



**SUMMARY OF MEETINGS AND ACTIVITIES
MONDAY, JANUARY 28, 2013, THROUGH FRIDAY, FEBRUARY 1, 2013**

MONDAY, JANUARY 28, 2013

TIME LOCATION

Collective Bargaining Between the City and the Fort Worth Professional Fire Fighters Association	9:00 a.m.	International Association of Fire Fighters Local 440 Office 3855 Tulsa Way
Pre-Building Standards Commission	9:30 a.m.	Pre-Council Chamber
Building Standards Commission	10:00 a.m.	Council Chamber
Naval Air Station Fort Worth, Joint Reserve Base Regional Coordination Committee	1:30 p.m.	Sansom Park City Hall 5705 Azle Avenue Sansom Park, Texas

TUESDAY, JANUARY 29, 2013

Pre-Council Meeting	8:30 a.m.	Pre-Council Chamber
City Council Meeting	10:00 a.m.	Council Chamber

WEDNESDAY, JANUARY 30, 2013

No Meetings

THURSDAY, JANUARY 31, 2013

Arts Funding Task Force	10:00 a.m.	Pre-Council Chamber
Tax Increment Reinvestment Zone #14 (Trinity Lakes)	3:00 p.m.	Pre-Council Chamber

FRIDAY, FEBRUARY 1, 2013

No Meetings

This summary is compiled from data furnished to the Office of the City Secretary by 12:00 p.m. on January 24, 2013, and may not include all meetings to be conducted during the week of January 28, 2013 through February 1, 2013. It is a summary listing only. See individual agendas which are posted in compliance with the Texas Open Meetings Act for detailed information.

**PRE-COUNCIL MEETING
TUESDAY, JANUARY 29, 2013
8:30 A.M.
PRE-COUNCIL CHAMBER, CITY HALL
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

1. Report of the City Manager - **Tom Higgins, 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 9537](#): Status of Assets Transferred from the Fort Worth Air and Space Museum Foundation
 - [IR 9538](#): ERP Phase II Update
 - [IR 9539](#): Solid Waste Rates and Solid Waste Enterprise Fund Balance
2. Current Agenda Items - **City Council Members**
3. Responses to Items Continued from a Previous Week
 - a. [M&C C-26031](#) - Authorize Execution of a Professional Services Agreement with O.R. Colan Associates of Illinois, LLC, in an Amount Not to Exceed \$1,180,000.00 for Services Related to the Acquisition of Four Rural Residential Properties and 223 Avigation Easements as Outlined in the Noise Compatibility Plan for Alliance Airport (COUNCIL DISTRICT 2 – Sal Espino) **(Continued from January 8, 2012 by Staff)**
 - b. [M&C C-26065](#) - Conduct a Public Hearing and Authorize Execution of the First Extension and Amendment to City Secretary Contract No. 31838 with Allied Waste Systems, Inc., D/B/A Trinity Waste Services, for Transportation Services from City Convenience Centers and Special Events (ALL COUNCIL DISTRICTS) **(PUBLIC HEARING) (Continued from January 15, 2013 by Staff)**
 - c. [M&C C-26066](#) - Conduct a Public Hearing and Authorize Execution of the First Contract Extension and Amendment to City Secretary Contract No. 28496 with WM Recycle America, LLC, for the Processing of Recyclable Materials (ALL COUNCIL DISTRICTS) **(PUBLIC HEARING) (Continued from January 15, 2013 by Staff)**
 - d. [M&C C-26067](#) - Conduct a Public Hearing and Authorize First Ten Year Extension and Restatement of City Secretary Contract No. 28358 with Waste Management of Texas, Inc., for Collection of Residential Garbage, Refuse and Small Bulky Waste, Recyclables, Certain Commercial Solid Waste, Yard Waste, Construction and Demolition and Large Brush, and Large Bulky Waste (ALL COUNCIL DISTRICTS)

(PUBLIC HEARING) (Continued from January 15, 2013 by Staff)

- e. [ZC-12-128](#) - David McDavid, 4621 Keller Hicks Road; from: "I" Light Industrial to: "A-5" One-Family (Recommended for Approval by the Zoning Commission) **(Continued from January 15, 2013 by Council Member Espino)**
- 4. Council Proposal No. 292 - Waiver of Permitting and Encroachment Fees for Installation of Bike Sharing Stations for the Non-Profit Organization Known as Fort Worth Bike Sharing – **Council Member Joel Burns and Council Member Dennis Shingleton**
Attachment(s):
[Council Proposal 292 - Attached.pdf](#)
- 5. Sundance Plaza Update - **Kate Beck, Planning and Development and Johnny Campbell, Sundance Square**
- 6. Annual Report of Tarrant County 911 - **Greg Petrey, Tarrant County 911**
- 7. Briefing on Local Preference Option for City Purchasing - **Jack Dale, Purchasing**
- 8. City Council Requests for Future Agenda Items and/or Reports
- 9. Executive Session (PRE-COUNCIL CHAMBER) - **SEE ATTACHMENT A**
Attachment(s):
[Executive Session Agenda - Attachment A.pdf](#)

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 A
EXECUTIVE SESSION
(PRE-COUNCIL CHAMBER, CITY HALL)
Tuesday, January 29, 2013

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. *Cecilia Jacobs v. The City of Fort Worth, et al*, 67th District Court, Tarrant County, Texas, Cause No. 67-254044-11;
- b. Legal issues related to public art and copyrights;
- c. Legal Issues related to commuter rail initiatives;
- d. Legal issues related to the appointment of members to Boards and Commissions; and
- e. Legal issues concerning any item listed on today's City Council meeting agendas;

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

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

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

**CITY COUNCIL AGENDA
FOR THE MEETING AT 10:00 A.M. TUESDAY, JANUARY 29, 2013
CITY COUNCIL CHAMBER, CITY HALL
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

- I. CALL TO ORDER**
- II. INVOCATION - Pastor Randy Hardisty, Trinity Cumberland Presbyterian Church**
- III. PLEDGE OF ALLEGIANCE**
- IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF JANUARY 15, 2013**
- 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-17790](#) - Adopt Resolution Authorizing the Employment of Mark T. Stancil and the Law Firm of Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP, as Outside Counsel to Assist the City in Filing an Amicus Curiae Brief in the Case of Tarrant Regional Water District v. Herrmann, No. 11-889 Pending in the U.S. Supreme Court and Authorizing Payment of Counsel Fees in a Total Amount Up to \$50,000.00 (ALL COUNCIL DISTRICTS)
- 2. [M&C G-17791](#) - 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 2013 in the Amount Up to \$61,620.76 (ALL COUNCIL DISTRICTS)
- 3. [M&C G-17792](#) - Authorize Change in Use and Expenditure of an Additional Amount of \$187,000.00 in Community Development Block Grant Funds for the 2012 Neighborhood Street Reconstruction Project and Authorize Substantial Amendment to the City's 2012-2013 Action Plan (COUNCIL DISTRICTS 3, 4, 5, and 8)
- 4. [M&C G-17793](#) - Approve Findings of Ground Transportation Coordinator Regarding Application of Country Transportation Service to Operate One Limousine Within the City of Fort Worth and Adopt Ordinance Granting Such Authority (ALL COUNCIL DISTRICTS)
- 5. [M&C G-17794](#) - Approve Findings of Ground Transportation Coordinator Regarding Application of Irving Holdings, Inc., d/b/a Go Business Exec Sedan and Limousine Service to Operate Ten Limousines Within the City of Fort Worth and Adopt Ordinance Granting Such Authority (ALL COUNCIL DISTRICTS)
- 6. [M&C G-17795](#) - Authorize Execution of Change Order No. 1 to City

Secretary Contract No. 43505 with M.E. Burns Construction, Inc., in the Amount of \$142,500.00 for Sanitary Sewer Rehabilitation, Contract 81 for a Revised Total Contract in the Amount of \$1,370,705.00 (COUNCIL DISTRICT 5)

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

1. [M&C P-11480](#) - Authorize Purchase Agreements with Powerseal Pipeline Products Corporation, Ferguson Enterprises, Inc. and Morrison Supply Co., LLC, for Water Pipe Repair Parts for the Water Department in the Amount of \$250,000.00 for the First Year (ALL COUNCIL DISTRICTS)
2. [M&C P-11481](#) - Authorize Purchase Agreement with Casco Industries, Inc., in the Amount of \$450,000.00 for the First Year, for Protective Structural Bunker Gear for the Fire Department (ALL COUNCIL DISTRICTS)
3. [M&C P-11482](#) - Authorize Non-Exclusive Purchase Agreements with ADK Environmental, Inc., and Storm Water Management, Inc., to Provide Installation of Erosion Products for the Transportation and Public Works Department for a Combined Amount Up to \$200,000.00 for the First Year (ALL COUNCIL DISTRICTS)
4. [M&C P-11483](#) - Authorize Purchase of Four Horizontal Centrifugal Pumps and Five Motors from Odessa Pumps, Inc., Pump Solutions, Inc., and Smith Pump Company in the Amount of \$123,000.00 for the Water Department (COUNCIL DISTRICTS 2 and 6)
5. [M&C P-11484](#) - Authorize Purchase of Three Compact Loaders from Holt Texas, LTD d/b/a Holt Cat, Using a Cooperative Contract, for the Transportation and Public Works and Water Departments in the Amount of \$208,347.00 (ALL COUNCIL DISTRICTS)

C. Land - Consent Items

1. [M&C L-15509](#) - Authorize Direct Sale of a Tax-Foreclosed Property Located at 1601 Lindsey Street, in Accordance with Section 34.05 of the Texas Tax Code to Deliverance Temple Church of God in Christ/Reaching Out Ministry in the Amount of \$2,604.97 (COUNCIL DISTRICT 5)
2. [M&C L-15510](#) - Authorize Purchase of Property Located at 8545 Shelby Lane from Jim L. Thomas and Diana Thomas in the Amount of \$167,000.00 Plus Approximately \$5,000.00 in Closing Costs, Dedicate the Property as Parkland and Adopt Appropriation Ordinance (COUNCIL DISTRICT 7)

D. Planning & Zoning - Consent Items - None

E. Award of Contract - Consent Items

1. [M&C C-26068](#) - Authorize Change in Use and Expenditure in the Amount of \$79,953.90 of Emergency Solutions Grant Funds, with the Amount of \$37,080.50 of Additional Funds to City

Secretary Contract No. 43706 with the Day Resource Center for the Homeless for Emergency Shelter Services, and the Amount of \$42,873.40 to City Secretary Contract No. 43703 with Catholic Charities of Fort Worth for Homelessness Prevention Services, and Authorize Substantial Amendment to the City's 2011-2012 Action Plan (ALL COUNCIL DISTRICTS)

2. [M&C C-26069](#) - Authorize Execution of Amendment No. 2 to City Secretary Contract No. 42162, an Engineering Services Agreement with Teague Nall and Perkins, Inc., in the Amount of \$61,919.00 for the Design of Old Denton Road from Golden Triangle Boulevard to Heritage Trace Parkway for a Revised Total in the Amount of \$666,117.00, CP No. 01724 (COUNCIL DISTRICT 2)
3. [M&C C-26070](#) - Authorize Temporary Closure of Haltom Road from Etsie Street to East 1st Street from January 29, 2013 to April 30, 2013 for the Construction of Water and Stormwater Improvements (COUNCIL DISTRICT 4)
4. [M&C C-26071](#) - Authorize Execution of Consent to Sublease Agreements by Burnett Aviation Co., Inc. to V. Neils Agather for Lease Site 39S and to Williamson-Dickie Manufacturing Company for Lease Site 41S at Fort Worth Meacham International Airport (COUNCIL DISTRICT 2)
5. [M&C C-26072](#) - Authorize Execution of a Contract with American Suncraft Construction Co., in the Amount of \$925,500.00 for the Armstrong Ranch Elevated Storage Tank Rehabilitation Project, Located at 7200 Trail Lake Drive (COUNCIL DISTRICT 3)
6. [M&C C-26073](#) - Authorize Execution of a Contract with Blastco Texas Inc., in the Amount of \$775,000.00 for the Fleetwood Ground Storage Tank Rehabilitation Project Located at 15201 FAA Boulevard (COUNCIL DISTRICT 5)
7. [M&C C-26074](#) - Authorize Execution of a Contract with Blastco Texas, Inc., in the Amount of \$705,300.00 for the Westland Ground Storage Tank Rehabilitation Project, Located at 11066 Dorfan Street (COUNCIL DISTRICT 7)

VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. OCS - 1875 - Notice of Claims for Alleged Damages and/or Injuries

IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

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

XI. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions
2. Council Proposal No. 292 - Waiver of Permitting and Encroachment Fees for Installation of Bike Sharing Stations for the Non-Profit Organization Known as Fort Worth Bike Sharing - **Council Member Joel Burns and Council Member Dennis Shingleton**

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

XIII. RESOLUTIONS

1. A Resolution Calling for Execution of a Memorandum of Understanding Between the City of Fort Worth and The Fort Worth Transportation Authority to Provide Improved Program Assessments and Public Participation
2. A Resolution Designating State Highway 360 in Fort Worth as the Angus G. Wynne, Jr. Freeway

XIV. REPORT OF THE CITY MANAGER

A. Benefit Hearing - None

B. General

1. [M&C G-17796](#) - Approve Settlement of Lawsuit Entitled City of Fort Worth v. Cleopatra Investments, Ltd., et al, Cause No. 2011-006217-2 in the Amount of \$2,000,000.00 (COUNCIL DISTRICT 9)
2. [M&C G-17797](#) - Authorize Transfer of Funds in the Amount of \$13,471,883.00 from the General Fund to the Contract Street Maintenance Fund for Fiscal Year 2013 Contract Street Maintenance Program and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)
3. [M&C G-17798](#) - Authorize Acceptance and Recording of a Gift Deed from the Fort Worth Zoological Association for the Texas Wild Education Building (COUNCIL DISTRICT 9)

C. Purchase of Equipment, Materials, and Services

1. [M&C P-11485](#) - Authorize Purchase Agreement with Dell Marketing, L.P., for Replacement and New Hardware, Software, Technology Services and Maintenance and Support Services for the Information Technology Solutions Department Using a State of Texas Department of Information Resources Contract in the Amount of \$4,800,000.00 for the First Year (ALL COUNCIL DISTRICTS)
2. [M&C P-11486](#) - Authorize Purchase of Fifty Police Pursuit SUVs from Baby Jack II Automotive LTD d/b/a Caldwell Country Chevrolet, Using a Cooperative Contract for the Police Department in the Amount of \$1,371,450.00 (ALL COUNCIL DISTRICTS)
3. [M&C P-11487](#) - Authorize Purchase of Three Rosenbauer Pumper Fire Trucks from Daco Fire Equipment, Inc., Using a Cooperative Contract for the Fire Department in the Amount of \$2,020,766.01 (ALL COUNCIL DISTRICTS)

D. Land

1. [M&C L-15511](#) - Amend Mayor and Council Communication L-15419 for the Acquisition 5136 Helmick Avenue for the East Como Channel Improvements Project to Add Edward Chadwick,

Adolphus Chadwick, Donald Chadwick, Howard Chadwick, Alvin Chadwick, Steve Davis, Joyce Chadwick, Virginia Edwards and Christene Chadwick Moss as Sellers of the Property (COUNCIL DISTRICT 7)

E. Planning & Zoning

1. [M&C PZ-3010](#) - Adopt Resolution Authorizing Closure of a Portion of Galvez Avenue at the Trinity Railway Express Railroad Crossing Between Chandler Drive and Riverside Drive (COUNCIL DISTRICT 8)
2. [M&C PZ-3011](#) - Adopt Ordinance Vacating the Portion of Main Street Between 3rd Street and 4th Street to the Adjacent Property Owner, Sundance Square Partners, and Authorize the Execution of Conveyance Instruments (COUNCIL DISTRICT 9)

F. Award of Contract

1. [M&C C-26031](#) - Authorize Execution of a Professional Services Agreement with O.R. Colan Associates of Illinois, LLC, in the Amount Not to Exceed \$1,180,000.00 for Services Related to the Acquisition of Four Rural Residential Properties and 223 Avigation Easements as Outlined in the Noise Compatibility Plan for Alliance Airport (COUNCIL DISTRICT 2) **(Continued from a Previous Meeting)**
2. [M&C C-26031](#) - **(Revised)** Authorize Real Estate Consulting Services Contract with O.R. Colan Associates of Illinois, LLC, in the Amount of \$1,180,000.00 Utilizing Two Federal Aviation Administration Grants Awarded to the City for Services Related to the Acquisition of Four Rural Residential Properties and 223 Avigation Easements as Outlined in the Noise Compatibility Plan for Fort Worth Alliance Airport (COUNCIL DISTRICT 2)
3. [M&C C-26065](#) - Conduct a Public Hearing and Authorize Execution of the First Extension and Amendment to City Secretary Contract No. 31838 with Allied Waste Systems, Inc., D/B/A Trinity Waste Services, for Transportation Services from City Convenience Centers and Special Events (ALL COUNCIL DISTRICTS) **(Continued from a Previous Meeting) (PUBLIC HEARING)**
 - a. Report of City Staff
 - b. Citizen Presentations
 - c. Council Action
4. [M&C C-26066](#) - Conduct a Public Hearing and Authorize Execution of the First Contract Extension and Amendment to City Secretary Contract No. 28496 with WM Recycle America, LLC, for the Processing of Recyclable Materials (ALL COUNCIL DISTRICTS) **(Continued from a Previous Meeting) (PUBLIC HEARING)**
 - a. Report of City Staff
 - b. Citizen Presentations
 - c. Council Action
5. [M&C C-26067](#) - Conduct a Public Hearing and Authorize First Ten Year

Extension and Restatement of City Secretary Contract No. 28358 with Waste Management of Texas, Inc., for Collection of Residential Garbage, Refuse and Small Bulky Waste, Recyclables, Certain Commercial Solid Waste, Yard Waste, Construction and Demolition and Large Brush, and Large Bulky Waste (ALL COUNCIL DISTRICTS) **(Continued from a Previous Meeting) (PUBLIC HEARING)**

- a. Report of City Staff
- b. Citizen Presentations
- c. Council Action

- 6. [M&C C-26075](#) - Authorize Execution of Consents to Assignment for Security Purposes by Omni Fort Worth Partnership, L.P. and Omni Hotels Management Corporation to The Prudential Insurance Company of America or an Affiliate of Tax Abatement Agreement, Amended and Restated Economic Development Program Agreement, Room Block Agreement, Ground Lease Agreement and Contract for Exclusive Food, Beverage and Alcoholic Beverage Services at the Fort Worth Convention Center (COUNCIL DISTRICT 9)
- 7. [M&C C-26076](#) - Authorize Execution of Tax Abatement Agreement with Bucks Wheel & Equipment Company for the Construction of an Automotive and Mechanical Repair and Maintenance Facility on Property Located at 5101 and 5201 North Main Street and Amend Ordinance No. 20584-01-2013 to Correct Certain Recitals and References to the Reinvestment Zone Number and to Confirm Previous Designation of the Reinvestment Zone (COUNCIL DISTRICT 7)
- 8. [M&C C-26077](#) - Authorize Execution of an Interlocal Agreement with the Fort Worth Independent School District for Operation of the School Attendance Court in Fiscal Year 2012-2013, Authorize Acceptance of Reimbursement from the Fort Worth Independent School District in the Amount of \$379,606.00, Adopt Appropriation Ordinance and Authorize Transfer in the Amount of \$141,314.00 from the Special Trust Fund to the General Fund (ALL COUNCIL DISTRICTS)
- 9. [M&C C-26078](#) - Authorize Execution of an Interlocal Cooperation Agreement with the North Central Texas Council of Governments and the Regional Transportation Council for the Repayment of \$51,300,000.00 of Regional Toll Revenue Funds Advanced for the Relocation of the Burlington Northern Santa Fe Railroad Mainline and Connector Track for the Runway Extension Project at Fort Worth Alliance Airport (COUNCIL DISTRICT 2)
- 10. [M&C C-26079](#) - Authorize Execution of a Contract with Conatser Construction TX, LP., in the Amount of \$958,380.00 for Water and Sanitary Sewer Replacement Contract 2010, STM-C on College Avenue, Travis Avenue, West Anthony Street, South Henderson Street and James Avenue, Authorize Additional Expenditure for Project Costs and Contingencies for a Project Total in the Amount of

\$1,037,854.00 and Adopt Appropriation Ordinances
(COUNCIL DISTRICT 9)

11. [M&C C-26080](#) - Authorize Execution of a Contract with American Suncraft Construction Co., in the Amount of \$1,099,750.00 for the Eastwood Elevated Storage Tank Rehabilitation Project, Located at 4256 Strong Avenue (COUNCIL DISTRICT 5)
12. [M&C C-26081](#) - Authorize Acceptance of Low Income Weatherization Assistance Program Funds from the Texas Association of Community Action Agencies, Inc., in the Amount Up to \$1,100,000.00, Authorize Execution of Related Contracts and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)

XV. ZONING HEARING

1. [ZC-12-120](#) - (CD 7) - City of Fort Worth, 1000 - 1473 Block of Avondale Haslet Road and 1000 - 1500 Blocks of Boaz Road; from: Unzoned to: "A-43" One-Family, "E" Neighborhood Commercial and "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus veterinary clinic with outdoor kennels; site plan waiver recommended. **(Recommended for Approval as Amended by the Zoning Commission for a maximum of 14 kennels for PD/E veterinary clinic at 1321 Avondale Haslet Road)**
2. [ZC-12-128](#) - (CD 2) - David McDavid, 4621 Keller Hicks Road; from: "I" Light Industrial to: "A-5" One-Family **(Recommended for Approval by the Zoning Commission (Continued from a Previous Meeting))**
3. [ZC-13-006](#) - (CD 9) - Sundance Square Management and LP Sundance Plaza LLC, 400 Block of Main Street; from: "H" Central Business District and "H/DD" Central Business District/Demolition Delay to: "PD/H/DD" Planned Development for "H" Central Business District limited to: outdoor recreational activities and amusement, restrooms, temporary uses and activities, and one structure and excluding: residential uses, permanent indoor uses, auto service uses, gasoline sales/service station, electric power substation, gas lift and line compressor stations, and gas drilling and production; site plan included with development standards, and to retain demolition delay overlay. **(Recommended for Approval by the Zoning Commission)**
4. [ZC-13-011](#) - (CD 9) - Sundance Square Inc., 400 Main Street; from: "H/DD" Central Business District/Demolition Delay to: "H/HC" Central Business District/Historic and Cultural Overlay **(Recommended for Approval by the Zoning Commission)**

XVI. CITIZEN PRESENTATIONS

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

XVIII. ADJOURNMENT

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

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 B
EXECUTIVE SESSION
(PRE-COUNCIL CHAMBER, CITY HALL)
Tuesday, January 29, 2013

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

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- a. *Cecilia Jacobs v. The City of Fort Worth, et al*, 67th District Court, Tarrant County, Texas, Cause No. 67-254044-11;
- b. Legal issues related to public art and copyrights;
- c. Legal Issues related to commuter rail initiatives;
- d. Legal issues related to the appointment of members to Boards and Commissions; and
- e. Legal issues concerning any item listed on today's City Council meeting agendas;

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

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

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

No Documents for this Section



Updated January 24, 2013

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

January 29, 2013

8:30 a.m. Pre-Council Meeting

Continued Items:

- **M&C C-26031** - Authorize Execution of a Professional Services Agreement with O.R. Colan Associates of Illinois, LLC, in an Amount Not to Exceed \$1,180,000.00 for Services Related to the Acquisition of Four Rural Residential Properties and 223 Avigation Easements as Outlined in the Noise Compatibility Plan for Alliance Airport (COUNCIL DISTRICT 2 – Sal Espino) **(Continued from January 8, 2012 by Staff)**
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 - **M&C C-26067** - Conduct a Public Hearing and Authorize First Ten Year Extension and Restatement of City Secretary Contract No. 28358 with Waste Management of Texas, Inc., for Collection of Residential Garbage, Refuse and Small Bulky Waste, Recyclables, Certain Commercial Solid Waste, Yard Waste, Construction and Demolition and Large Brush, and Large Bulky Waste (ALL COUNCIL DISTRICTS) **(PUBLIC HEARING) (Continued from January 15, 2013 by Staff)**
 - **ZC-12-128** - David McDavid, 4621 Keller Hicks Road; from: "I" Light Industrial to: "A-5" One-Family (Recommended for Approval by the Zoning Commission) **(Continued from January 15, 2013 by Council Member Espino)**
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- o Council Proposal No. 292 - Waiver of Permitting and Encroachment Fees for Installation of Bike Sharing Stations for the Non-Profit Organization Known as Fort Worth Bike Sharing ***[Council Member Joel Burns and Council Member Dennis Shingleton]***
 - o Sundance Plaza Update ***[Kate Beck, Planning and Development and Johnny Campbell, Sundance Square]***
 - o Annual Report of Tarrant County 911 ***[Greg Petrey, Tarrant County 911]***
 - o Briefing on Local Preference Option for City Purchasing ***[Jack Dale, Purchasing]***



Updated January 24, 2013

City of Fort Worth
City Council Pre-Council Agenda Calendar

February 5, 2013 **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

Continued Items:

- **M&C PZ-2999** - Adopt Ordinance Changing the Name of a Portion of Town Center Drive to Charities Way from West Thornhill Drive to West Seminary Drive (COUNCIL DISTRICT 9) (Continued from October 23, 2012 by Council Member Burns)
- **ZC-12-112** - Thomas Blanton, 3900 and 3950 Angle Avenue; from: "I" Light Industrial to: "D" High Density Multifamily (Recommended for Approval by the Zoning Commission) (Council District 2 – Sal Espino) (Continued from December 4, 2012 by Council Member Espino)
- o Overview on Significant Zoning Cases [*Dana Burghdoff, Planning and Development*]
- o Briefing on Annexation Policy [*Dana Burghdoff, Planning and Development*]
- o Draft 2013 Comprehensive Plan Update [*Randle Harwood, Planning and Development*]
- o Update on Elections from Tarrant County Elections [*Steve Raborn, Tarrant County Elections*]

February 12, 2013

1:00 p.m. Infrastructure & Transportation Committee

3:00 p.m. Pre-Council Meeting

- o Briefing on DFW International Airport Capital Improvements Program [*Jeff Fegan, Dallas/Fort Worth International Airport*]

February 19, 2013

8:30 a.m. Pre-Council Meeting

February 21, 2013 **(Thursday)**

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



Updated January 24, 2013

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

February 26, 2013

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

March 5, 2013 **Monthly Zoning Meeting**

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

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

3:00 p.m. Pre-Council Meeting

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

March 12, 2013

1:00 p.m. Infrastructure & Transportation Committee (cancelled)

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

March 19, 2013

8:30 a.m. Pre-Council Meeting

March 26, 2013

8:30 a.m. Pre-Council Meeting



Item #1	Definition of Fund Balance and Capital Expenditure Terms		
Due Date:	February 5, 2013	Council District:	6
Staff Action:	Prepare an IR to provide Council the definition of fund balance and capital expenditure terms.		
Responsibility:	Douglas Wiersig (Transportation and Public Works) and Horatio Porter (Budget Officer)		

Responsibility: Richard Zavala (Parks and Community Services)

Responsibility: Randle Harwood (Planning and Development)



City Council Meeting of January 15, 2013
Staff Action Tracking

Item #4	Emergency Routes		
Due Date:	February 12, 2013	Council District:	6
Staff Action:	Staff to provide the Infrastructure and Transportation Committee a briefing on what emergency routes citizens can take as an alternative during inclement weather.		

Staff Action: Staff to provide the Infrastructure and Transportation Committee a briefing on what emergency routes citizens can take as an alternative during inclement weather.

Responsibility: Douglas Wiersig (Transportation and Public Works)

Item #5	Neighborhood Street Improvements		
Due Date:	February 5, 2013	Council District:	1
Staff Action:	Prepare an IR with a list of neighborhood street repairs remaining from the 2004, 2007 and 2008 bond election.		

Staff Action: Prepare an IR with a list of neighborhood street repairs remaining from the 2004, 2007 and 2008 bond election.

Responsibility: Douglas Wiersig (Transportation and Public Works)

Item #6	Parking Fund Revenue		
Due Date:	February 5, 2013	Council District:	ALL
Staff Action:	Staff to prepare an IR updating Council on parking revenue.		

Staff Action: Staff to prepare an IR updating Council on parking revenue.

Responsibility: Douglas Wiersig (Transportation and Public Works)

Item #7 Sundance Plaza

Due Date: January 29, 2013 Council District: 1

Staff Action: Update Council on the progress of Sundance Plaza.

Responsibility: Kirk Slaughter (Public Events)

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JANUARY 15, 2013**

Present:

Mayor Betsy Price
Mayor Pro tem W.B. "Zim" Zimmerman, District 3
Council Member Salvador Espino, District 2
Council Member Daniel Scarth, District 4
Council Member Frank Moss, District 5
Council Member Jungus Jordan, District 6
Council Member Dennis Shingleton, District 7
Council Member Kelly Allen Gray, District 8
Council Member Joel Burns, District 9

Staff Present:

Tom Higgins, City Manager
Sarah Fullenwider, City Attorney
Mary J. Kayser, City Secretary

I. CALL TO ORDER

With a quorum of the City Council Members present, Mayor Price called the regular session of the Fort Worth City Council to order at 10:13 a.m., on Tuesday, January 15, 2013, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

II. INVOCATION - Pastor Cornelius Hudson, Bethel Temple Church

The invocation was provided by Pastor Cornelius Hudson, Bethel Temple Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF
JANUARY 8, 2013**

Motion: Council Member Jordan made a motion, seconded by Council Member Scarth, that the Minutes of the Regular meeting of January 8, 2013, be approved. The motion carried unanimously 9 ayes to 0 nays.

V. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

City Manager Higgins requested that Mayor and Council Communication No. G-17785 be withdrawn from the Consent Agenda for individual consideration.

VI. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

City Manager Higgins requested that Mayor and Council Communication No. P-11471 be withdrawn and replaced with Mayor and Council Communication No. P-11471 (Revised).

VII. CONSENT AGENDA

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

A. General - Consent Items

- 1. M&C G-17782 - Accept Funds from the Fort Worth Transportation Authority, Texas Christian University and the Berry Street Initiative, Execute an Interlocal Agreement with the North Central Texas Council of Governments to Provide for a Planning Project Local Match in the Amount of \$65,000.00 for the Texas Christian University/Berry Station Area Transit-Oriented Development Plan and Form-Based Code Sustainable Development Planning Project, Adopt Appropriation Ordinance, and Authorize Payment to North Central Texas Council of Governments (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize acceptance of a \$15,000.00 contribution from the Fort Worth Transportation Authority as a portion of the required local match for the North Central Texas Council of Governments (NCTCOG) led planning project; authorize acceptance of a \$35,000.00 contribution from Texas Christian University (TCU) as a portion of the required local match for the NCTCOG led planning project; authorize acceptance of a \$5,000.00 contribution from the Berry Street Initiative as a portion of the required local match for the NCTCOG led planning project; adopt Appropriation Ordinance No. 20581-01-2013 increasing the estimated receipts and appropriations in the New Development Fund, in the amount of \$55,000.00, subject to receipt of funds from NCTCOG, TCU and the Berry Street Initiative, for the purpose of the TCU/Berry Station Area Transit-Oriented Development Plan and Form-Based Code Sustainable Development Planning Project; authorize the execution of an Interlocal Agreement with NCTCOG for the TCU/Berry Station Area Transit-Oriented Development Plan and Implementing Form-Based Code Sustainable Development Planning Project to authorize NCTCOG to manage the Planning Project on the City's behalf and to provide for the local match in the amount of \$65,000.00; and authorize payment to NCTCOG in the amount of \$65,000.00.

2. **M&C G-17783 - Authorize Conveyance to the City of Dallas a Perpetual Easement Containing Approximately 31,717 Square Feet of Land on Property Located Within the Boundaries of the Dallas/Fort Worth International Airport for Installation, Maintenance and Use of a Thirty-Inch Water Easement (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize a conveyance to the City of Dallas of a perpetual easement containing approximately 31,717 square feet of land owned by the City of Dallas and the City of Fort Worth located within the boundaries of the Dallas/Fort Worth International Airport for installation, maintenance and use of a 30-inch water easement.

3. **M&C G-17784 - Approve Findings of Ground Transportation Coordinator Regarding Renewal Application of Continental Limousine, Inc., to Operate Four Limousines Within the City of Fort Worth and Adopt Ordinance Granting Such Authority (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Consider and adopt the following findings of the Ground Transportation Coordinator: the public necessity and convenience require the operation of four (4) limousines upon the City streets, alleys and thoroughfares; Continental Limousine, Inc., is qualified and financially able to conduct a limousine service within the City; Continental Limousine, Inc., has complied with the requirements of Chapter 34 of the City Code; Continental Limousine, Inc., presented facts in support of compelling demand and necessity for four (4) limousines; and the general welfare of the citizens of the City will best be served by the addition of four (4) limousines upon City streets, alleys and thoroughfares; adopt Ordinance No. 20582-01-2013 granting the privilege of operating authority to Continental Limousine, Inc., for the use of the streets, alleys, and public thoroughfares of the City in the conduct of its limousine business, which shall consist of the operation of four (4) limousines for a one (1) year period beginning on the effective date; providing for written acceptance by Continental Limousine, Inc., subject to and conditioned on Continental Limousine, Inc., complying with all requirements of Chapter 34, Article VI of the Code of the City of Fort Worth (1986), as amended.

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

1. **M&C P-11478 - Authorize Execution of a Professional Services Agreement with Intelight, Inc., in the Amount Not to Exceed \$534,600.00 for the Initial Term for Traffic Signal Controller Software Licenses, Maintenance and Related Services for the Transportation Public Works Department (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize execution of a professional services agreement with Intelight, Inc., in the amount not to exceed \$534,600.00 for the initial term for traffic signal controller software, maintenance and related services for the Transportation and Public Works Department.

2. M&C P-11479 - Authorize Purchase Agreement with Douglas Products and Packaging, Co., LLC, in the Amount Up to \$300,000.00 for the First Year for Sewer Line Chemical Root Control Using a Cooperative Contract for the Water Department (ALL COUNCIL DISTRICTS)

The City Council approved the following recommendation: Authorize a purchase agreement with Douglas Products and Packaging, Co., LLC, in the amount up to \$300,000.00 for the first year for sewer line chemical root control using the Houston-Galveston Area Council Cooperative Contract SC01-12 for the Water Department.

C. Land - Consent Items

1. M&C L-15501 - Authorize Direct Sale of a Tax-Foreclosed Property Located at 5833 Blackmore Avenue to Barbara Joyce Smith in the Amount of \$7,200.00, in Accordance With Section 34.05 of the Texas Property Tax Code (COUNCIL DISTRICT 7)

The City Council approved the following recommendation: Authorize the direct sale of a tax-foreclosed property located at 5833 Blackmore Avenue, described as Lots 17 and 18, Block 413, Chamberlain Arlington Heights Addition, to Barbara Joyce Smith in the amount of \$7,200.00, in accordance with Section 34.05 of the Texas Property Tax Code; and authorize the execution and recording of the appropriate instruments conveying the property to complete the sale.

2. M&C L-15502 - Authorize Sale of Eighteen Tax-Foreclosed Properties in the Amount of \$96,710.41, in Accordance with Section 272.001 of the Texas Local Government Code and Section 34.05 of the Texas Property Tax Code (COUNCIL DISTRICTS 2, 5, 6, 7, 8 and 9)

The City Council approved the following recommendation: Authorize the sale of 18 tax-foreclosed properties in the amount of \$96,710.41, in accordance with Section 272.001 of the Texas Local Government Code and Section 34.05 of the Texas Property Tax Code; and authorize the execution and recording of the appropriate instruments conveying the properties to complete the sale.

3. M&C L-15503 - Authorize Acquisition of a Fee Simple Interest in 1.036 Acres of Land for Right-of-Way, an Easement Interest in 0.166 Acres of Land for Permanent Drainage, and an Easement Interest in 1.761 Acres of Land for Permanent Slope for the Widening of North Beach Street from Vista Meadows Drive to Shiver Road Located Northeast of the Shiver Road and North Beach Street Intersection from Bishop Kevin W. Vann, Catholic Diocese of Fort Worth in the Amount of \$576,492.00 and Pay Estimated Closing Costs in the Amount Up to \$5,000.00 (COUNCIL DISTRICT 2)

The City Council approved the following recommendation Authorize the acquisition of a fee simple interest in 1.036 acres of land for right-of-way, an easement interest in 0.166 acre of land for permanent drainage, described as Abstract 783, Tract 1B, J.W. Haynes Survey and an easement interest in 1.761 acres of land for permanent slope, described as Abstract 783, Tract 1B, J.W. Haynes Survey/W.M. Bostick Survey, Abstract 210, Tract 2A, for the widening of North Beach Street from Vista Meadows Drive to Shiver Road located northeast of the Shriver Road and North Beach Street intersection from Bishop Kevin W. Vann, The Catholic Diocese of Fort Worth; find that the amount of \$576,492.00 is just compensation for property interests; and authorize the City Manager or his designee to accept the conveyances, record the appropriate instruments and to pay the purchase price in the amount of \$576,492.00 and the estimated closing costs in the amount up to \$5,000.00.

4. **M&C L-15504 - Authorize Acquisition of a Fee Simple Interest in 0.1652 Acres in an Improved Lot for the Lebow Channel Drainage Improvements Project Located at 1109 De Ridder Avenue from Christina and Macario Perez in the Amount of \$68,500.00, Authorize Payment of Estimated Closing Costs in the Amount Up to \$4,000.00, and Authorize Payment of Relocation Assistance in the Amount of \$2,000.00 (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the acquisition of a fee simple interest in 0.1652 acre in an improved lot located at 1109 De Ridder Avenue, Fort Worth, Texas, described as Lot 8, Block 52, Sabine Place Addition, from Christina and Macario Perez in the amount of \$68,500.00; find that the total purchase price in the amount of \$68,500.00 is just compensation; authorize the City Manager or his designee to accept the conveyance, pay just compensation, record the appropriate instruments and pay estimated closing costs in the amount up to \$4,000.00; and authorize the payment of relocation assistance in the amount of \$2,000.00.

5. **M&C L-15505 - Authorize Acquisition of Two Permanent Drainage Easements and a Permanent Slope Easement in 0.2146 Acres of Land on an Improved Lot Located at 8795 Old Denton Road for the North Riverside Drive Improvements Project from Ronald Elmore in the Amount of \$55,700.00 and Payment of Estimated Closing Costs Up to the Amount of \$3,000.00 for a Total Cost of \$58,700.00 (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the acquisition of two (2) permanent drainage easements and a permanent slope easement interest in 0.2146 acre of land on an improved lot located at 8795 Old Denton Road, Fort Worth, Texas, described as Abstract No. 999, Trail 1C01, William McCowens Survey, from Ronald Elmore; find that the total purchase price in the amount of \$55,700.00 is just compensation; and authorize the City Manager or his designee to accept the conveyance, pay just compensation, record the appropriate instruments and pay estimated closing costs up to the amount of \$3,000.00.

D. Planning & Zoning - Consent Items - None

E. Award of Contract - Consent Items

- 1. M&C C-26054 - Authorize Execution of a Contract with McClendon Construction Co., Inc., in the Amount of \$579,393.50 from Community Development Block Grant Funds for the Construction of Infrastructure Improvements Related to the Hardy Street Single Family Infill Development at 3601 and 3617 Hardy Street (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the execution of a contract with McClendon Construction Co., Inc., in the amount of \$579,393.50 from Community Development Block Grant funds for the construction of infrastructure improvements related to the Hardy Street Single Family Infill Development at 3601 and 3617 Hardy Street.

- 2. M&C C-26055 - Authorize Execution of a Memorandum of Understanding with the University of Massachusetts, Amherst and Payment of Grant Matching Funds in the Aggregate Amount of \$300,000.00 to Integrate Weather Radar Data into a Flood Warning System (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Memorandum of Understanding with the University of Massachusetts, Amherst and payment of grant matching funds in the aggregate amount of \$300,000.00 to integrate weather radar data into a flood warning system.

- 3. M&C C-26056 - Authorize Execution of an Engineering Services Agreement with Criado & Associates, Inc., in the Amount Not to Exceed \$480,000.00 for Project Scoping and Cost Estimates for Future Transportation Capital Improvement Projects (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of an engineering services agreement with Criado & Associates, Inc., in the amount not to exceed \$480,000.00 for project scoping and cost estimates for future Transportation Capital Improvement Projects.

- 4. M&C C-26057 - Authorize Execution of Amendment No. 2 to City Secretary Contract No. 40850, an Engineering Services Agreement with Jacobs Engineering Group, Inc., in the Amount of \$265,500.00 for the Design of the Eastern Hills Drainage Improvements Project - Phase 2, Thereby Increasing the Total Contract Amount from \$651,667.00 to \$917,167.00 (COUNCIL DISTRICT 4)**

The City Council approved the following recommendation: Authorize execution of Amendment No. 2 to City Secretary Contract No. 40850, an engineering services agreement with Jacobs Engineering Group, Inc., in the amount of \$265,500.00 for the design of the Eastern Hills Drainage Improvements Project - Phase 2, thereby revising the total contract cost to \$917,167.00.

5. **M&C C-26058 - Authorize Execution of an Interlocal Agreement Between Tarrant County College District and the City of Fort Worth in the Amount Not to Exceed \$60,000.00 for Public Safety Institute Training for a Term to End on September 11, 2015 (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize execution of an interlocal agreement between Tarrant County College District and the City of Fort Worth in the amount not to exceed \$60,000.00 for the use of the Fire Service Training Center for a term to end on September 11, 2015.

6. **M&C C-26059 - Authorize Execution of Amendment No. 3 and a Second Five-Year Option to Renew City Secretary Contract No. 12261 with Clarence J. Sury for Unimproved Ground Lease Site 13S at Fort Worth Meacham International Airport (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the execution of Amendment No. 3 and a second five (5) year lease option to renew with Clarence J. Sury for Unimproved Ground Lease Site 13S at Fort Worth Meacham International Airport.

7. **M&C C-26060 - Authorize Provision of Water and Sewer Service at 1.25 Times the Retail Rate to Tracts 2A, 2A01 and 2A02 Located at 13200 and 13340 Highway 287 and Highway 81 in Tarrant County Outside of the Fort Worth City Limits Pursuant to City Code Section 35-60B (ADJACENT TO COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Authorize the Water Department to provide water and sewer service at 1.25 times the retail rate to Tracts 2A, 2A01 and 2A02 located at 13200 and 13340 Highway 287 and Highway 81 in Tarrant County; and authorize the execution of an agreement for such services.

VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. **OCS - 1874 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

A. General - Consent Items - Removed from Consent Agenda for Individual Consideration

4. M&C G-17785 - Authorize Temporary Road Closure of Main Street Between Third Street and Fourth Street from January 15, 2013 to April 5, 2013 for the Installation of a Forty-Two Inch Storm Drain (COUNCIL DISTRICT 9)

It was recommended that the City Council authorize the temporary road closure of Main Street between 3rd Street and 4th Street from January 15, 2013, to April 5, 2013, to allow for the installation of a 42-inch storm drain line.

Motion: Council Member Burns made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. G-17785 be approved with the amendment for the following administrative correction in the Discussion section: "...from January 8, 2013, to April 5, 2013..." should be "...January 15, 2013, to April 5, 2013...". The motion carried unanimously 9 ayes to 0 nays.

IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. Presentation of the Fort Worth Stock Show and Rodeo

Mr. Ed Bass, Chairman, Southwestern Exposition and Livestock Show provided a PowerPoint presentation relative to the improvements made to the industrial area around the Will Rogers complex. He officially conveyed the gatehouses to the City and stated that they would officially become a part of the Will Rogers Municipal Complex. He handed out the official Stock Show badges to the Council and encouraged everyone to attend one of the shows.

Mayor Price presented the Proclamation for the Fort Worth Stock Show and Rodeo to Mr. Bass and stated that for the past 117 years, the Southwestern Exposition and Livestock Show, also known as the Fort Worth Stock Show and Rodeo, had been held in Fort Worth, making it the oldest continuously held livestock show in the country. She pointed out that the Fort Worth Stock Show and Rodeo was a 23-day event that attracted more than one million visitors from various regions of the United States and 60 foreign countries, featuring more than 22,000 head of livestock and stages 30 thrilling Professional Rodeo Cowboy Association (PRCA) rodeo performances at the World's Original Indoor Rodeo®. She further stated that the City's largest annual event had an estimated economic impact of more than \$100 million per year. She urged all residents to visit the 117th Southwestern Exposition and Livestock Show set for January 18 through February 9, 2013, with the theme, Bring It! She expressed appreciation to Mr. Bass and the Southwestern Exposition and Livestock Show for the gatehouses and stated that they would make a beautiful addition to the complex.

X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. Upcoming and Recent Events

Council Member Moss announced that the ribbon cutting ceremony for the Trinity Bell Garden Apartments would be held on January 17, 2013, from 11:00 a.m. to 1:00 p.m., at 9500 Trinity Boulevard. He also announced that the Martin Luther King, Jr. celebration would be held on January 18, 2013, at noon, in the City Council Chamber. He further announced that a District 5 meeting would be held at the Tarrant County Opportunity Center on January 26, 2013, and encouraged residents to attend the meeting.

Mayor Price stated that 40 people attended the last Walking Town Hall meeting which was held in District 7. She stated that the next meeting would be held in February and encouraged everyone to attend the meeting to discuss neighborhood issues or the upcoming Bond Election.

2. Recognition of Citizens

Mr. Jason Smith, 2230 College Avenue, completed a speaker card and was recognized by Mayor Price but was not present in the Council Chamber.

3. Approval of Ceremonial Travel

There was no approval necessary of ceremonial travel.

XI. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

There were no changes in membership on boards and commission.

2. Council Proposal No. 292 - Waiver of Permitting and Encroachment Fees for Installation of Bike Sharing Stations for the Non-Profit Organization Known as Fort Worth Bike Sharing

Council Member Burns stated that this was a proposal for the City Council to approve a waiver of permitting and encroachment fees for installation of bike sharing stations for the non-profit organization known as Fort Worth Bike Sharing. He stated these stations would allow patrons to bike share in areas throughout the City and pointed out that these stations were popular in Europe as well as other major metropolitan cities throughout the United States. He advised that this Council Proposal would appear on the next agenda for the Council's consideration and vote.

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. REPORT OF THE CITY MANAGER

A. Benefit Hearing - None

B. General

1. M&C G-17786 - Approve Settlement in a Lawsuit Entitled Robert and Carla Reeves v. City of Fort Worth, XTO Energy, Inc., and Moritz Interests, Ltd., Cause No. 348-257573-12 in the Amount of \$95,000.00 (COUNCIL DISTRICT 6)

It was recommended that the City Council approve the settlement of the lawsuit entitled Robert and Carla Reeves v. City of Fort Worth, XTO Energy, Inc., and Moritz Interests, Ltd., Cause No. 348-257573-12; authorize the payment in the amount of \$95,000.00 to Robert Reeves and Carla Reeves and their attorney Rick Ward and The Ward Law Firm in full and final settlement of the referenced suit; and authorize the appropriate City personnel to execute the releases and agreements necessary to complete the settlement.

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

Motion: Council Member Jordan made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. G-17786 be approved. The motion carried 8 ayes to 0 nays, with 1 abstention by Council Member Scarth.

2. M&C G-17788 - Authorize Acceptance of a \$50,000.00 Monetary Donation from Enterprise Texas Pipeline, LLC, for Improvements in Mallard Cove Park and Adopt Appropriation Ordinance (COUNCIL DISTRICT 4)

It was recommended that the City Council authorize the acceptance of a monetary donation in the amount of \$50,000.00 from Enterprise Texas Pipeline, LLC, toward improvements in Mallard Cove Park; and adopt an Appropriation Ordinance increasing the estimated receipts and appropriations in the Park Gas Lease Projects Fund in the amount of \$160,000.00, for improvements to Mallard Cove Park, with \$50,000.00 coming from this donation, \$60,000.00 from a contractual payment previously received from Texas Midstream Gas Services, L.L.C., and \$50,000.00 from a contractual payment previously received from Enterprise Texas Pipeline, LLC.

Motion: Council Member Scarth made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication No. G-17788 be approved and Appropriation Ordinance No. 20583-01-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

3. M&C G-17789 - Conduct a Public Hearing and Adopt Ordinance Designating Property at 5101 and 5201 North Main Street as Tax Abatement Reinvestment Zone No. 86, City of Fort Worth, Texas to Mitigate the Displacement of Bucks Wheel & Equipment Co. by the Trinity River Vision Project (COUNCIL DISTRICT 7) (PUBLIC HEARING)

It was recommended that the City Council conduct a public hearing concerning the designation of the property at 5101 and 5201 North Main Street as Tax Abatement Reinvestment Zone No. 86, City of Fort Worth, Texas to mitigate the displacement of Bucks Wheel & Equipment Co. by the Trinity River Vision project; and adopt an Ordinance that designates Tax Abatement Reinvestment Zone No. 86, City of Fort Worth, Texas, pursuant to and in accordance with Chapter 312 of the Texas Tax Code.

a. Report of City Staff

Ms. Marguerite Allen, Business Development Coordinator, Housing and Economic Development Department, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that the public hearing be closed and that Mayor and Council Communication No. G-17789 be approved and Ordinance No. 20584-01-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

C. Purchase of Equipment, Materials, and Services

1. M&C P-11471 - Authorize Sole Source Purchase Agreement for Maintenance, Repair, Software Updates and Installation of Physical Security Surveillance, Access and Intrusion Equipment with Sentinel the Alarm Company for All City Departments in the Amount of \$925,000.00 for the First Year (ALL COUNCIL DISTRICTS) (Continued from a Previous Meeting)

It was the consensus of the City Council that Mayor and Council Communication No. P-11471 be withdrawn from consideration.

2. M&C P-11471 - (Revised) Authorize Sole Source Purchase Agreement for Maintenance, Repair, Software Updates and Installation of Physical Security Surveillance, Access and Intrusion Equipment with Sentinel, the Alarm Company for All City Departments in an Amount Up to \$925,000.00 for the First Year (ALL COUNCIL DISTRICTS)

It was recommended that the City Council authorize a sole source purchase agreement for maintenance, repair, software updates and installation of physical security surveillance, access and intrusion equipment with Sentinel, the Alarm Company for all City departments in an amount up to \$925,000.00 for the first year.

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication No. P-11471 (Revised) be approved. The motion carried unanimously 9 ayes to 0 nays.

D. Land

1. M&C L-15506 - Authorize Conveyance of a Permanent Easement on Property Located on the Dallas/Fort Worth International Airport to Dallas Area Rapid Transit for the Construction and Maintenance of Public Mass Transit Improvements Known as the DART Orange Line Extension (ALL COUNCIL DISTRICTS)

It was recommended that the City Council authorize a conveyance to Dallas Area Rapid Transit of a permanent easement containing approximately 20.9 acres of land on property located on the Dallas/Fort Worth International Airport for public mass transit improvements relative to the Dallas Area Rapid Transit Orange Line I-2 segment.

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. L-15506 be approved. The motion carried unanimously 9 ayes to 0 nays.

2. M&C L-15507 - Authorize Conveyance of an Easement to Oncor Electric Delivery for Electrical Equipment and Appurtenances to the Amon Carter Museum of American Art at No Expense to Oncor (COUNCIL DISTRICT 7)

It was recommended that the City Council authorize the conveyance of 7,189.27 square feet of land, described as J.P. Montgomery Survey, Abstract No. 1030, for an easement to Oncor Electric Delivery for electrical equipment and appurtenances to the Amon Carter Museum of American Art at no expense to Oncor; and authorize the execution and recording of necessary documents to complete the conveyance.

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

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. L-15507 be approved. The motion carried 8 ayes to 0 nays, with 1 abstention by Council Member Scarth.

3. M&C L-15508 - Authorize for the North Tarrant Express Segment 3B Project, Condemnation by Eminent Domain of a 0.116 Acre Parcel for a Permanent Sanitary Sewer Easement from the Red Horse, LLC, Legally Described as a Portion Out of Lot 5, Block 1 of Western Center North Addition and the Additional Eleven Property Parcels for Easements Described in the Attached List of Twelve Properties (COUNCIL DISTRICTS 2 and 4)

It was recommended that the City Council declare that the North Tarrant Express Segment 3B Project is necessary in order to meet the City's utility infrastructure needs as well as to provide for the public's health and safety; declare that public convenience and necessity require the acquisition of the easements for the North Tarrant Express Segment 3B Project from the 12 parcels of real property listed on Attachment 1 described to this Mayor and Council Communication; authorize the City Manager and his designee to attempt to acquire through eminent-domain proceedings under Texas law, the easement interest in the 12 parcels of real property 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 the easements described, but acquire no mineral interests of the parcels as well as any remainders of such parcels where the acquisition of same would be economically prudent; authorize the acceptance and recording of the appropriate instruments; and authorize the payment pursuant to an award of commissioners and/or upon negotiated settlement in lieu of condemnation by eminent domain.

Motion: Council Member Espino made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. L-15508 be approved and that the Fort Worth City Council authorize the use of the power of eminent domain for the North Tarrant Express Segment 3B Project: to acquire a 0.116 acre parcel for a permanent sanitary sewer easement from the Red Horse, LLC, legally described as a portion out of Lot 5, Block 1, Western Center North Addition and located at 3041 Western Center Boulevard; to acquire the easements described in the list attached to Mayor and Council Communication No. L-15508 of 11 additional Properties for Project; and to direct the City Secretary to have the minutes reflect that this motion applies to the 12 parcels listed in Attachment 1 to Mayor and Council Communication No. L-15508, as follows: Parcels 1-PE, 2-PE, 2-TE, 3-PE PART 1, 3-PE PART 2, 3-TE, 4-PE, 5-PE PART 1, 5-PE PART 2, 6-PE, 7-PE and 8-TE located in COUNCIL DISTRICTS 2 and 4. The motion carried unanimously 9 ayes to 0 nays.

E. Planning & Zoning

1. M&C PZ-3009 - Consider Institution and Adoption of Ordinance for the Owner-Initiated Annexation of Approximately 0.3 Acre of Land, North of SH-114 and East of FM-156, AX-12-010 (COUNCIL DISTRICT 2)

It was recommended that the City Council institute and adopt an Ordinance declaring certain findings; providing for the extension of certain boundary limits of the City of Fort Worth; providing for the annexation of an approximately 0.3 acre tract of land north of SH-114 and east of FM-156, Double Eagle Boulevard, situated in the James Smith Survey, Abstract Number 1149, situated about 18.8 miles north 5 degrees east of the Courthouse, Tarrant County, Texas (Case No. AX-12-010) which said territory lies adjacent to and adjoins the present corporate boundary limits of Fort Worth, Texas; providing that the territory annexed shall bear its pro rata part of taxes; providing that the inhabitants thereof shall have all the privileges of all the citizens of Fort Worth, Texas.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. PZ-3009 be approved and Ordinance No. 20585-01-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

F. Award of Contract

1. M&C C-26061 - Authorize Five-Year Tax Abatement Agreement with Sparkle Express, LLC, to Develop an Exterior Express Car Wash on Property Located at 113 Thornhill Drive in the Hemphill/Berry Neighborhood Empowerment Zone (COUNCIL DISTRICT 9)

It was recommended that the City Council authorize a five (5) year tax abatement agreement with Sparkle Express, LLC, to develop an exterior express car wash on property located at 113 Thornhill Drive in the Hemphill/Berry Neighborhood Empowerment Zone, in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Motion: Council Member Burns made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-26061 be approved. The motion carried unanimously 9 ayes to 0 nays.

2. M&C C-26062 - Authorize Execution of a Contract with Conatser Construction TX, LP, in the Amount of \$1,988,779.45 for Paving, Drainage, and Street Lights Along Avondale Haslet Road from Water Tank Site to Willow Creek Drive, Authorize Execution of a Railroad Crossing Agreement with Burlington Northern Santa Fe Railway Company in the Amount of \$599,939.00 to Provide a New Quiet Zone Crossing, and Expenditure in the Amount of \$282,206.00 for Contingencies, and Construction Services for a Total Project Cost in the Amount of \$2,870,924.45 (COUNCIL DISTRICT 7)

It was recommended that the City Council authorize the execution of a contract with Conatser Construction TX, LP, in the amount of \$1,988,779.45 for paving, drainage, and street light

improvements along Avondale Haslet Road from 700 feet east of Haslet Court, Water Tank Site to Willow Creek Drive; and authorize the execution of a railroad crossing agreement with Burlington Northern Santa Fe Railway Company in the amount of \$599,939.00 for a new quiet zone crossing and expenditure in the amount of \$282,206.00 for contingencies, and construction services for a total project cost in the amount of \$2,870,924.45.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-26062 be approved. The motion carried unanimously 9 ayes to 0 nays.

3. M&C C-26063 - Authorize Execution of Amendment No. 1 to City Secretary Contract No. 43453, a Five-Year Job Order Contract with The Mark IV Construction Group, LLC, in the Amount of \$1,076,000.00 for the Transportation and Public Works Department, Facilities Management Division for a Revised Total Contract in the Amount of \$8,576,000.00 (ALL COUNCIL DISTRICTS)

It was recommended that the City Council authorize execution of Amendment No. 1 to City Secretary Contract No. 43453, a Job Order Contract with The Mark IV Construction Group, LLC, in the amount of \$1,076,000.00 to increase the not-to-exceed expenditure amount from \$1,500,000.00 to \$2,576,000.00 for this contract year's July 2012-July 2013 aggregate total, resulting in a revised total contract in the amount of \$8,576,000.00.

Motion: Council Member Scarth made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-26063 be approved. The motion carried unanimously 9 ayes to 0 nays.

4. M&C C-26064 - Authorize Amendment in the Amount of \$2,996,155.73 to City Secretary Contract No. 43229 with Great Lakes Dredge & Dock Company, LLC, for a Total Contract Amount of \$15,493,059.73 for Dredging and Sediment Disposal of Phase 2 Areas at Lake Worth and Adopt Appropriation Ordinances (COUNCIL DISTRICT 7)

It was recommended that the City Council adopt an Appropriation Ordinance increasing the estimated receipts and appropriations in the Lake Worth Gas Lease Capital Improvement Fund in the amount of \$2,996,155.73, from Gas Well Revenues, for the purpose of transferring said funds to the Water Capital Projects Fund, for dredging and disposal of sediment associated with the Lake Worth Dredging Project Phase 2; authorize the transfer from the Lake Worth Gas Lease Capital Improvement Fund to the Water Capital Projects Fund; adopt an Appropriation Ordinance increasing the estimated receipts and appropriations in the Water Capital Projects Fund, from available funds, for the purpose of the project; and authorize the execution of an amendment to City Secretary Contract No. 43229 with Great Lakes Dredge & Dock Company, LLC, in the amount of \$2,996,155.73 for a total contract amount of \$15,493,059.73, for dredging and disposal of sediment associated with the Lake Worth Dredging Project Phase 2.

The following individuals submitted comment cards in support of Mayor and Council Communication No. C-26064.

Mr. Don Dougherty, 9131 Watercress Drive
Ms. Gale Cupp, 9225 Heron Drive

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-26064 be approved and that Appropriation Ordinance Nos. 20586-01-2013 and 20587-01-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

5. M&C C-26065 - Conduct a Public Hearing and Authorize Execution of the First Extension and Amendment to City Secretary Contract No. 31838 with Allied Waste Systems, Inc., D/B/A Trinity Waste Services, for Transportation Services from City Convenience Centers and Special Events (ALL COUNCIL DISTRICTS) (PUBLIC HEARING)

It was recommended that the City Council conduct a public hearing on City Secretary Contract No. 31838 with Allied Waste Systems, Inc. d/b/a Trinity Waste Services, for transportation services from City convenience centers and special events; and authorize the execution of the first contract extension and amendment to the contract with Allied Waste Systems, Inc., d/b/a Trinity Waste Services, for a term to begin on April 1, 2013, and expire on March 31, 2018, with two (2) five (5) year renewal options.

a. Report of City Staff

Mr. Brandon Bennett, Director, Code Compliance Department, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Scarth made a motion, seconded by Mayor Pro tem Zimmerman, that the public hearing and Mayor and Council Communication No. C-26065 be continued until the January 29, 2013, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

6. M&C C-26066 - Conduct a Public Hearing and Authorize Execution of the First Contract Extension and Amendment to City Secretary Contract No. 28496 with WM Recycle America, LLC, for the Processing of Recyclable Materials (ALL COUNCIL DISTRICTS) (PUBLIC HEARING)

It was recommended that the City Council conduct a public hearing on City Secretary Contract No. 28496 with WM Recycle America, LLC, for the processing of recyclable materials; and authorize the execution of the first contract extension and amendment to City Secretary Contract No. 28496 with WM Recycle America, LLC, to begin on April 1, 2013, and expire on March 31, 2018, with two (2) five (5) year renewal options.

a. Report of City Staff

Mr. Brandon Bennett, Director, Code Compliance Department, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that the public hearing and Mayor and Council Communication No. C-26066 be continued until the January 29, 2013, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

7. M&C C-26067 - Conduct a Public Hearing and Authorize First Ten Year Extension and Restatement of City Secretary Contract No. 28358 with Waste Management of Texas, Inc., for Collection of Residential Garbage, Refuse and Small Bulky Waste, Recyclables, Certain Commercial Solid Waste, Yard Waste, Construction and Demolition and Large Brush, and Large Bulky Waste (ALL COUNCIL DISTRICTS) (PUBLIC HEARING)

It was recommended that the City Council conduct a public hearing on City Secretary Contract No. 28358 with Waste Management of Texas, Inc., for the collection of residential garbage, refuse and small bulky waste, recyclables, certain commercial solid waste, yard waste, construction and demolition and large brush, and large bulky waste; and authorize the first 10-year extension and restatement of City Secretary Contract No. 28358 with Waste Management of Texas, Inc., to begin on April 1, 2013, and expire on March 31, 2023, with two (2) remaining 10-year renewal options.

a. Report of City Staff

Mr. Brandon Bennett, Director, Code Compliance Department, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Moss made a motion, seconded by Council Member Scarth, that the public hearing and Mayor and Council Communication No. C-26067 be continued until the January 29, 2013, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

XIV. PUBLIC HEARING

1. Public Hearing on the Proposed Amendments to the Land Use Assumptions, Capital Improvements Plan and Associated Impact Fees for Transportation Facilities in Accordance with Section 395.054 of the Local Government Code

It was recommended that the City Council conduct a public hearing on the proposed amendments to the Land Use Assumptions, Capital Improvements Plan and associated impact fees for transportation facilities in accordance with Section 395.054 of the Local Government Code.

a. Report of City Staff

Ms. Katherine Beck, Transportation Utility and Plan Administrator, Planning and Development Department, appeared before Council and provided a staff report.

b. Citizen Comments

The following individuals appeared before Council in support of the public hearing on the proposed amendments to the Land Use Assumptions, Capital Improvements Plan and associated impact fees for transportation facilities.

Mr. Lee Nichol, 3882 South Hills Circle

Mr. Donald Boren, Chairman, CIAC, 1755 Martel Avenue

Mr. Russell Fuller, President, North Fort Worth Alliance, 5317 Alta Loma Drive (provided PowerPoint presentation)

The following individuals appeared before Council in opposition to the public hearing on the proposed amendments to the Land Use Assumptions, Capital Improvements Plan and associated impact fees for transportation facilities.

Mr. Thad Brundrett, 3901 West 4th Street

Mr. Ben Loughry, 5309 El Campo Avenue

Council Member Jordan requested clarification regarding the median home value in the City of Fort Worth.

Mr. Lee Hughes, Maverick Homes and President, Greater Fort Worth Builders Association, and Mr. John Samson, Executive Direction, Greater Fort Worth Builders Association, advised that the median home price in the City was down to \$157,000 and provided additional information on trends relative to the real estate market in the area.

Council Member Espino requested clarification from Mr. Fuller regarding the "resident" experience in north Fort Worth since the housing boom and before the City had implemented a transportation impact fee.

Mr. Fuller advised that residents of north Fort Worth have been experiencing major transportation and service issues for the past 10 years. He stated that the City must charge the builders appropriate fees and taxes to be able to pay for adequate services and arterial streets in the area.

c. Council Action

Motion: Council Member Jordan made a motion, seconded by Council Member Shingleton, that the public hearing be closed. The motion carried unanimously 9 ayes to 0 nays.

XV. ZONING HEARING

1. ZC-12-128 - (CD 2) - David McDavid, 4621 Keller Hicks Road; from: "I" Light Industrial to: "A-5" One-Family (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)

The City Council at its Regular Meeting on January 8, 2013, continued Zoning Docket No. ZC-12-128.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket No. ZC-12-128 be continued until the January 29, 2012, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

Mayor Price opened the public hearing.

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on December 20, 2012.

2. ZC-13-005 - (CD 5) - Independent Utility Construction, 5109 Sun Valley Drive; from: "B" Two-Family to: "I" Light Industrial (Recommended for Approval by the Zoning Commission)

Mr. Jess Cole, 5109 Sun Valley Drive, completed a speaker card in support of Zoning Docket No. ZC-13-005, but did not wish to address the Council.

Motion: Council Member Moss made a motion, seconded by Council Member Scarth, that Zoning Docket No. ZC-13-005 be approved. The motion carried unanimously 9 ayes to 0 nays.

3. ZC-13-012 - (CD 2) - AIL Investment LP and Hillwood Family LP, 10200 Block of IH 35 N, from: "C" Medium Density Multifamily to: "G" Intensive Commercial (Recommended for Approval by the Zoning Commission)

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-13-012 be approved. The motion carried unanimously 9 ayes to 0 nays.

There being no one else present desiring to be heard in connection with the recommended changes and amendments pertaining to Zoning Ordinance No. 13896 for the above listed cases, Council Member Espino made a motion, seconded by Council Member Moss, that the hearing be closed and that Ordinance No. 20588-01-2013 be adopted. The motion carried 9 ayes to 0 nays.

XVI. CITIZEN PRESENTATIONS

Mr. Jason Smith, 2230 College Avenue, appeared before Council relative to reasonable regulations of gun sales at Fort Worth gun shows. (displayed photograph)

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

XVIII. ADJOURNMENT

There being no further business, Mayor Price adjourned the regular meeting at 11:53 a.m.

No Documents for this Section

**To the Mayor and Members of the City Council****January 29, 2013**

Page 1 of 2

SUBJECT: STATUS OF ASSETS TRANSFERRED FROM THE FORT WORTH AIR AND SPACE MUSEUM FOUNDATION

The purpose of this informal report is to update the Fort Worth City Council on the status of assets transferred from the Fort Worth Air and Space Museum Foundation (Foundation).

On January 25, 2011, the Fort Worth City Council authorized a loan agreement through City Secretary Contract ("CSC") Contract No. 41669 between the City and the Foundation for an amount up to \$3 million to create a temporary traveling exhibition known as *"Ascent ... When Dreams Defy Gravity,"* (the "Exhibit") which was displayed in the Fort Worth Museum of Science and History. All loan proceeds were to be repaid by the Foundation in full by September 30, 2011. Despite fundraising efforts the Foundation was unable to repay the loan. In lieu of incurring legal and administrative fees to foreclose on the loan, the Foundation agreed to transfer title and all rights to the Exhibit and all other assets of the Foundation to the City. On March 6, 2012, the City Council approved M&C C-25484 cancelling the loan agreement and advance promissory note set forth in CSC Contract No. 41669.

On May 2, 2012, the Aviation Department completed the transfer of the Exhibit and remaining assets to facilities located at Meacham Airport. The Aviation Department entered into a memorandum of understanding with the Veterans Memorial Air Park Museum to assist in the cataloging of the Exhibit as well as other assets transferred to the City in preparation for the assets appraisal. On August 2, 2012, the Aviation Department entered into an agreement with National Appraisal Consultants to complete an appraisal to determine the orderly liquidation value of the assets. The assets were separated into the following inventory categories:

- Exhibit or display pieces, usually interconnected and focused on a specific narrow aviation theme;
- Books (by box number);
- Multi-use fixtures, not necessarily part of a display, which could be used independently of the museum display theme;
- Furniture or office equipment used in connection with the business operation;
- Fine or decorative artwork including paintings, posters, etc.;
- Aircraft or parts thereof not used in connection with the main Exhibit; and
- Other: Stand-alone items not belonging to any other grouping or unit.

In November 2012, National Appraisal Consultants submitted their final report to the Aviation Department valuing the assets at \$123,819.00.

City staff intends to move forward as follows unless we receive objections from the City Council by January 30, 2013.

- Staff intends to enter into an agreement with the Veterans Memorial Air Park Museum located at Meacham Airport to lend selected assets valued at \$90,000.00 for display at their museum. This includes historic photos, model planes, books, aircraft such as the Lockheed A12 mock up, Vultee BT-13 World War II trainer and other artifacts. This could also include some of the exhibit items that are not retained by the City.

**To the Mayor and Members of the City Council****January 29, 2013**

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**SUBJECT: STATUS OF ASSETS TRANSFERRED FROM THE FORT WORTH
AIR AND SPACE MUSEUM FOUNDATION**

- Staff intends to retain assets valued at \$18,819.00 that are useful to the City of Fort Worth. There are a number of technology assets that would be useful to the City as well as some display items that could be used in and around the airports for educational purposes. Most of these assets are from the traveling exhibit that was created for the Museum of Science and History. Items include computers, projectors, projection screens, televisions, software and furnishings such as stand up displays, display cases and tables.
- Staff intends to auction remaining assets valued at \$10,000.00 which have been determined to have no historical importance to the City of Fort Worth. Under this category there are items from the exhibit such as metal benches, metal frames, tables and other items not used as part of the exhibit.

If you have any questions about this information, please contact Bill Welstead, Aviation Director, at 817-392-5402 or bill.welstead@fortworthtexas.gov.

Tom Higgins
City Manager

**To the Mayor and Members of the City Council****January 29, 2013**

Page 1 of 2

SUBJECT: ERP PHASE II UPDATE

The purpose of this Informal Report is to provide the City Council an update on the status of the Enterprise Resource Planning (ERP) Phase II initiative. Staff will provide quarterly Informal Reports with an emphasis on recent activities, upcoming activities, and project risks.

ERP Phase II Project Description:

The ERP Phase II project is the second part of a City-wide effort to replace aging financial systems that lack functionality, sufficient integration, and appropriate internal controls. Staff is reliant on out-of date technology that has contributed to material weaknesses and other deficiencies, which have been noted by the City's independent auditor (Deloitte and Touche) over the last few years. In addition, the auditors have stated that they cannot rely sufficiently on system related controls and thus have to "test around the system," which leads to a more expensive audit. While manual processes have been established to address weaknesses, these are temporary solutions. The implementation of ERP Phase II will remedy these and other issues.

ERP Phase II is divided into three distinct parts: Phase IIA (Core Financials) has begun and will go-live in October 2014, Phase IIB (Budget) will begin in July 2014 and go-live in April 2015, and Phase IIC (Capital Projects Management and Purchasing) will begin in December 2014 and go-live in December 2015.

Recent and Upcoming Activities:

In June 2012, the City Council authorized agreements with Ciber and ISG (formerly known as STA) for implementation and advisory services, respectively.

Since that time, staff has worked closely with Ciber for project deliverables such as the charter, risk management plan, communication strategy, and many other foundational documents. The most significant success was the redesign of the City's Chart of Accounts (CoA).

The City uses the CoA as the structure by which it defines operations in financial terms, and it is the basis for fiscal reporting and tracking. Simply put, the CoA identifies the fund, department, and account type (asset, liability, equity, revenue, or expenditure). Staff coordinated a series of meetings and engaged every City department for feedback. After multiple work sessions and testing exercises, the revised CoA was completed in December 2012. Staff will continue to evaluate the new coding structure and revise, if necessary.

As the project continues to gain momentum, Project Team Members will transition from various City departments to the project. These individuals are experts in a variety of City processes and will become experts in their respective areas in PeopleSoft. Each team member has been assigned to lead a particular aspect of the PeopleSoft implementation (i.e. General Ledger, Fixed

**To the Mayor and Members of the City Council****January 29, 2013**

Page 2 of 2

SUBJECT: ERP PHASE II UPDATE

Assets, etc.), and these individuals will facilitate various work efforts with other City staff beginning with a series of Fit/Gap sessions.

Fit/Gap sessions, which begin in February 2013, are designed to identify the “fits” and the “gaps” between the application and City processes. These sessions will include Subject Matter Experts (SMEs) from all departments to ensure that each aspect of PeopleSoft receives an appropriate amount of attention during the implementation process. City processes will undoubtedly change to strengthen internal controls, reflect best practice, and better fit the application.

Project Risks:

In an effort to identify and manage risks early and efficiently, staff meets weekly with Ciber and ISG to discuss project risks.

The Phase II effort has taken steps to mitigate risks, where possible. A heavy emphasis was placed on Change Management and Internal Controls during the selection process for project implementation. Ciber responded with a robust change management strategy and a comprehensive plan to improving internal controls. These approaches will help to mitigate organizational risks and ensure that the system has strong controls.

Other risk management strategies include the phase by function approach, which reduces the amount of organizational change impacting staff at one time; heavy SME involvement, which ensures departmental participation and engagement; backfill strategies for SMEs, which ensures the appropriate level of SME participation; and aggressive talent management, which ensured that the City’s most talented individuals were involved on the project either as a Subject Matter Expert, Project Team Member, or Change Liaison.

At this time, no material risks have been identified that jeopardize the project’s schedule, scope, or budget. Staff will provide regular updates to the City Council on a quarterly basis.

For questions or further information, please contact Greg Jordan, ERP Phase II Director at (817) 392-2836.

Tom Higgins
City Manager



To the Mayor and Members of the City Council

January 29, 2013

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SUBJECT: SOLID WASTE RATES AND SOLID WASTE ENTERPRISE FUND BALANCE

At the January 8, 2013 Pre-Council presentation on the Comprehensive Solid Waste Plan and Contract Recommendations, City Council requested information on the rates charged to residents for sanitation services, the current Solid Waste Enterprise Fund balance and the value of the solid waste contracts.

Solid waste rates charged to residents are based on the size of garbage cart/volume that can be set out. It is important to note that these rates cover all solid waste services provided by the City, not just curbside collections. Rates charged to residents have not changed since 2006.

Residential Rates				
2002	\$13.75			<Rate prior to current program (bags/no carts)
	32 Gallon	64 Gallon	96 Gallon	
2003	\$8.00	\$13.00	\$18.00	< Rate increase due to changes in the bulk & yard waste collections program
2004	\$11.45	\$16.45	\$21.45	
2005	\$11.45	\$16.45	\$21.45	
2006	\$12.75	\$17.75	\$22.75	< Rate increase to ensure SW budget balanced
2007	\$12.75	\$17.75	\$22.75	
2008	\$12.75	\$17.75	\$22.75	
2009	\$12.75	\$17.75	\$22.75	
2010	\$12.75	\$17.75	\$22.75	
2011	\$12.75	\$17.75	\$22.75	
2012	\$12.75	\$17.75	\$22.75	
2013	\$12.75	\$17.75	\$22.75	

The current Solid Waste Enterprise Fund Cash Balance as of 9/30/12 is \$31,603,502. After withholding the reserve requirement, there is approximately \$20,296,000 available. Over the next five fiscal years, capital costs and other expenses (i.e., the construction of two new drop-off stations and improvements to the city call center), will draw down the fund balance significantly. In addition, the fund has been operating at a deficit (using fund balance) and the strategy has been to use the fund balance until 2016 so that there would be a full ten years since the last rate increase. In 2016, it is anticipated that the fund will be depleted to the minimum reserve balance and a rate adjustment will be required. Table "A" is a budget trend chart for the past 10 years and moving forward.



To the Mayor and Members of the City Council

January 29, 2013

Page 2 of 2

SUBJECT: SOLID WASTE RATES AND SOLID WASTE ENTERPRISE FUND BALANCE

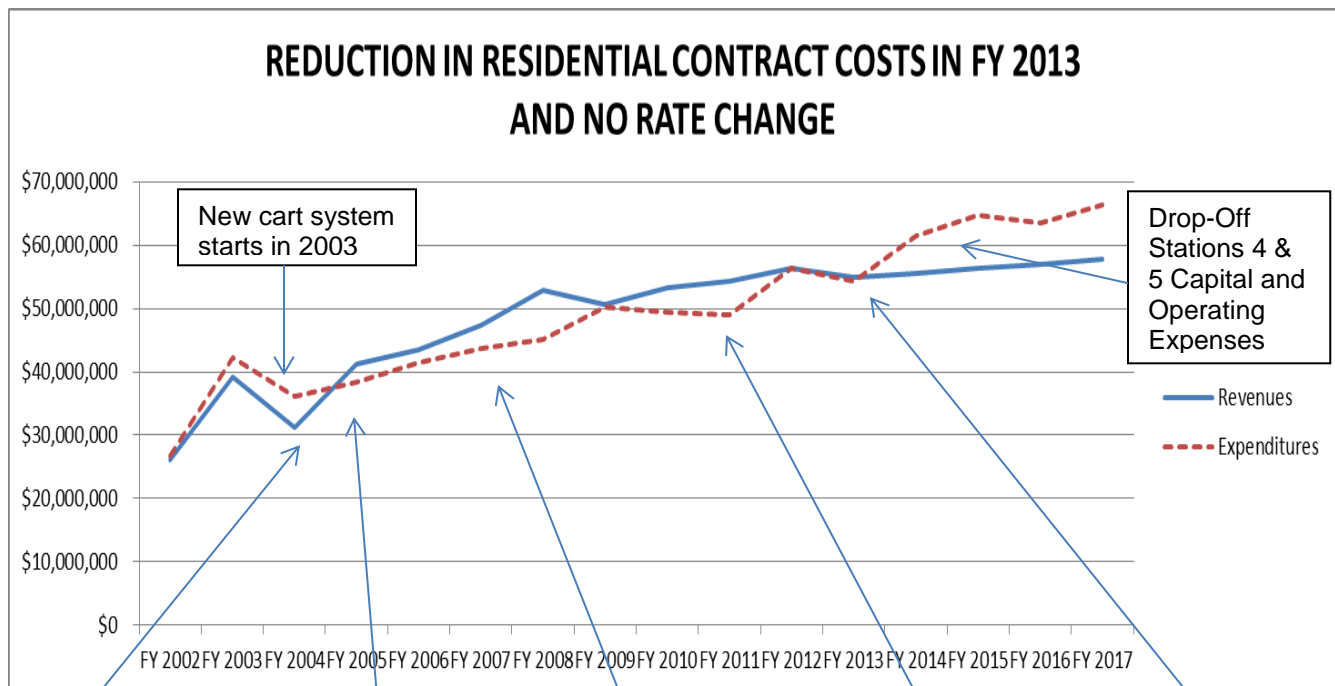
The values of the five solid waste contracts as budgeted for FY 2013 are:

- Curbside collections (Waste Management) - \$29,940,467
- Recycle Processing (Recycle America a WM company) - (\$1,713,155) net to City
- Drop off Station Hauling (Republic Services) - \$406,725
- C&D Waste Disposal and Yard Waste Processing (IESI) - \$1,050,262
- Toter Cart's Purchase/Repair/Delivery- \$1,130,000

For more information, please contact Code Compliance Director Brandon Bennett (6322).

Tom Higgins
City Manager

Table "A"



City Council changes system to include monthly bulk and weekly yard waste collections which requires more trucks and staff

Citizen Drop-Off Stations 1&2 Capital and Operating Expenses

Citizen Drop-Off Station 3 Capital and Operating Expenses

Approximately \$1.1 million added to Solid Waste Fund for Litter Crews and to sustain funding for solid waste enforcement by Code Enforcement Officers.

Approximately \$2.1 Million contribution to ERP

CITY OF FORT WORTH, TEXAS



COUNCIL PROPOSAL

Date: 1-15-2013	File Number: 292	Subject: Waiver of Permitting and Encroachment Fees for Installation of Bike Sharing Stations for the non-profit organization known as Fort Worth Bike Sharing	
Proposed By: Joel Burns		City Manager's Review: <i>[Signature]</i>	Page: PAGE 1 OF 2
		City Attorney's Review: <i>[Signature]</i>	

It is proposed that:

1. The City Council authorize a waiver of all development fees related to the non-profit organization known as Fort Worth Bike Sharing in connection with the installation of bike sharing stations.
2. The fee waiver shall include all current and future Fort Worth Bike Sharing stations.

DISCUSSION:

Fort Worth Bike Sharing was created by the Fort Worth Transportation Authority in an effort to establish an organization to own and operate a bike sharing program for Fort Worth. Fort Worth Bike Sharing is a self-sustaining, board-governed, 501(c)3 non-profit agency, separate from any local government or municipality. Bike sharing stations are planned in downtown, the Cultural District, the Near Southside and at Texas Christian University. The project is funded through grants and business contributions.

Fort Worth is the fastest growing city in the United States with a population over 500,000 and has grown 38.6% in the last ten years. Fort Worth hosts roughly 5.5 million tourists annually and 810,000 hotel rooms are booked each year. The Environmental Protection Agency recently reclassified Dallas-Fort Worth from a Moderate to a Serious Non-Attainment Area and the Metroplex is ranked as the fifth most congested metropolitan area in the United States. Half of urban trips are less than three miles. Bike sharing links cultural attractions, employers, restaurants, retail, transit, hospitals, and schools, and a healthy, car-free mode of transportation to get there. The City expects to enter into an agreement with Fort Worth Bike Sharing governing the terms of installation and maintenance. Based on the above, the waiver of fees is appropriate and serves a public service.

The City agrees to waive the following fees in connection with the permitting and installation of stations: 1. building permit fees (including fees for review and inspection) in the amount of \$800; 2. street use and parkway permit fees (including fees for review and inspection) in the amount of \$2,250; 3. encroachment fees in the amount of \$8,250; and 4. pedestrian access easement fees in the amount of \$800. The total amount of these fees is approximately \$12,100.

LEGALITY:

The Law Department finds that this proposal is legal and within the authority of the City Council.

FISCAL NOTE:

The Finance Director certifies that this action will have no material effect on City funds

- ☐ LEGALITY
- ☐ FISCAL NOTE
- ☐ CITY MANAGER'S COMMENTS
- ☐ CITY POLICIES MANUAL

CITY OF FORT WORTH, TEXAS



COUNCIL PROPOSAL

Date: 1-15-2013	File Number: 292	Subject: Waiver of Permitting and Encroachment Fees for Installation of Bike Sharing Stations for the non-profit organization known as Fort Worth Bike Sharing	
Proposed By: Joel Burns		City Manager's Review: <i>Indyginis</i>	Page:
		City Attorney's Review:	PAGE 2 OF 2

The City Manager has no objection to this proposal.

PROPOSED BY:

Joel Burns
Joel Burns
Councilmember

Dennis Shingleton
Dennis Shingleton
Councilmember

- ☐ LEGALITY
- ☐ FISCAL NOTE
- ☐ CITY MANAGER'S COMMENTS
- ☐ CITY POLICIES MANUAL

A Resolution

NO. _____

A RESOLUTION CALLING FOR EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT WORTH AND THE FORT WORTH TRANSPORTATION AUTHORITY TO PROVIDE IMPROVED PROGRAM ASSESSMENTS AND PUBLIC PARTICIPATION

WHEREAS, in 1983 voters in the City of Fort Worth confirmed the creation of the Fort Worth Transportation Authority (“The T”) and authorized the levy of a sales tax for the provision of public transportation; and

WHEREAS, in the three decades since The T was created, the population in Tarrant County has more than doubled – from 860,880, according to the 1980 Census, to 1,809,034, according to the 2010 Census; and

WHEREAS, because the Western Sub-Region of the D/FW Metroplex has experienced this growth and is expected to grow exponentially, it is critical that Fort Worth and Tarrant County have direct access to the regional interstate, national and international transportation system to include major employment centers and D/FW International Airport; and

WHEREAS, this tremendous growth combined with the aging infrastructure of the federal and state highway systems has resulted in increased congestion on area roadways and additional strain on limited tax dollars - emphasizing a growing need for rail-based transit alternatives that can help to alleviate congestion and thereby reduce wear on road infrastructure; and

WHEREAS, according to its records, the Texas Comptroller of Public Accounts has disbursed an estimated \$851,393,714.91 in sales tax to The T since its creation; and

WHEREAS, to date, The T’s efforts have been focused primarily on bus-based services with little progress made toward implementation of the types of rail-based transit available in other parts of the North Texas Region and the state; and

WHEREAS, The T’s development and execution of rail-based projects has been hampered by repeated delays and decisions that have not always conformed to expressed public preferences, leading to mounting frustration on the part of both public officials and private citizens; and

WHEREAS, state law requires that most transportation authorities and rapid transit entities undergo periodic performance audits to ensure efficient service delivery and engage in public hearings prior to making certain decisions to provide transparency and public input; and



WHEREAS, state law does not currently impose these same assessment and public-input requirements on The T as with other large city transit providers; and

WHEREAS, the City believes that implementation of these same processes at The T will lead to increased efficiency, improved performance, greater public satisfaction, and greater transparency of use of public funded resources; and

WHEREAS, the City has prepared and presented The T with a proposed Memorandum of Understanding (“MOU”) intended to provide for transit-delivery assessment and greater transparency and public input by mirroring requirements applicable to other transit entities under state law; and

WHEREAS, the Fort Worth City Council, as a body of elected officials, is responsible to the citizens of Fort Worth for the efficient and effective use of public resources in securing infrastructure, economic viability and quality of life to the citizens of Fort Worth; and

WHEREAS, the Fort Worth City Council confirms the necessity to implement the oversight imposed by the MOU and calls on the Board of Directors at The T to direct the agency’s staff to execute the document;

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

1. That the City Manager is hereby directed to execute the MOU with the Fort Worth Transportation Authority to provide improved program assessments and increased public participation; and
2. That the Board of Directors of the Fort Worth Transportation Authority is called upon to direct the agency’s Executive Director or other authorized representative to execute the MOU prepared and presented by the City.

Adopted this _____day of _____ 2013.

ATTEST:

By: _____

Mary Kayser, City Secretary



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

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

RECITALS

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

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

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

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

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

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

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

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

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

AGREEMENT

1. PURPOSE AND SCOPE.

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

2. TERM.

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

3. DUTIES OF THE PARTIES AND SERVICES PROVIDED.

3.1. The T will:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Each performance audit must include an examination of:

(i) one or more of the following:

(A) the administration and management of The T;

(B) transit operations; or

(C) transit authority system maintenance;

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

(iii) the following performance indicators:

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

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

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

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

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

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

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

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

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

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

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

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

For purposes of this subsection the following definitions shall apply:

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

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

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

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

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

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

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

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

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

3.2 **The City will:**

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

4. **CONSIDERATION.**

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

5. **GENERAL PROVISIONS.**

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

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

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

If to the City:
Fernando Costa, Asst. City Manager
1000 Throckmorton St.
Fort Worth, TX 76102

If to The T:
Richard Ruddell, Executive Director
1600 East Lancaster Avenue
Fort Worth, Texas 76102

- 5.10 **Review of Counsel.** The Parties acknowledge that each Party and its counsel have had opportunity to review and revise this Agreement and that the normal rules of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any exhibits hereto.
- 5.11 **Entirety of Agreement.** This written instrument (together with any attachments, exhibits, and appendices) constitutes the entire understanding between the Parties concerning the subject matter addressed herein, and any prior or contemporaneous, oral or written agreement that purports to vary from the terms hereof shall be void.

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

CITY OF FORT WORTH

**FORT WORTH TRANSPORTATION
AUTHORITY:**

By: _____
Fernando Costa
Assistant City Manager

By: _____
Richard Ruddell
Executive Director

Date: _____

Date: _____

ATTEST:
By: _____
Mary Kayser
City Secretary

ATTEST:
By: _____
Name:
Title

Date: _____

APPROVED AS TO FORM AND LEGALITY:

By: _____
Denis C. McElroy, Assistant City Attorney

A Resolution

NO. _____

DESIGNATING STATE HIGHWAY 360 IN FORT WORTH AS THE ANGUS G. WYNNE, JR. FREEWAY

WHEREAS Texas Transportation Code, Section 225.002, authorizes local governments to assign a memorial or other identifying designation to a part of the state highway system; and

WHEREAS the City of Arlington has designated State Highway 360 through their municipality as the Angus G. Wynne, Jr. Freeway; and

WHEREAS the City of Fort Worth has received a request from the Texas Department of Transportation to do the same; and

WHEREAS Angus G. Wynne, Jr. was a North Texas business leader who developed the Great Southwest Industrial District and Six Flags Over Texas; and

WHEREAS the City Council desires to honor Mr. Wynne's legacy by designating State Highway 360 in Fort Worth as the Angus G. Wynne, Jr. Freeway;

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

State Highway 360 in Fort Worth is hereby designated as the Angus G. Wynne, Jr. Freeway.

Adopted this 29th day of January, 2013.

ATTEST:

By: _____

Mary Kayser, City Secretary



No Documents for this Section

City of Fort Worth, Texas
Mayor and Council Communication

DATE: Tuesday, January 29, 2013

LOG NAME:

REFERENCE NO.: **OCS-1875

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 23, 2013.

Attachment

Submitted for City Secretary's Office by:

Mary J. Kayser (6152)

Originating Department Head:

Mary J. Kayser (6152)

Additional Information Contact:

Lena Ellis (8517)

Nancy McKenzie (7744)

CITY COUNCIL MEETING

Tuesday, January 29, 2013

RISK MANAGEMENT CLAIMS REPORT

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

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
David Pence	1/10/2013	12/1/2012	2517 Stark St.	Property Damage	City crew damaged pipe line and curb.	TPW	No	No
Julia Rivers	1/10/2013	12/17/2012	IH-20 & Loop 820	Auto Damage	Hit by City vehicle.	TPW	No	Yes
Mary Lou Ramirez-	1/10/2013	12/2/2012	817 E. Beddell St.	Property Damage	Damage from ruptured water main.	Water	No	No
Byron McDonald	1/11/2013	1/7/2013	4600 Sea Ridge Dr	Auto Damage	City vehicle backed into Citizen vehicle.	Code	No	No
Lourdes Reyes	1/11/2013	12/15/2012	James Avenue	Auto Damage	Hit construction sign in road.	TPW	Yes	No
Frank Kent Cadillac	1/11/2013	11/7/2012	Frank Kent Cadillac	Auto Damage	City vehicle hit golf cart.	ing & Develop	Yes	No
Rodger Temples	1/11/2013	1/5/2013	4700 Westridge	Property Damage	Driveway damaged when water main broke.	Water	No	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Linda Albright Wilkerson	1/14/2013	7/2/2012	1005 Osborne Lane	Property Damage	City contractor removed Citizen's trees.	TPW	No	No
Luther Sweeney	1/14/2013	11/23/2012	3224 Townsend Dr	Auto Damage	Tree limbs fell on car.	PACS	Yes	No
Higgins Co.	1/14/2013	12/20/2012	2701 Hemphill #207	Property Damage	Officer kicked in door.	Police	Yes	No
Nelda Davis	1/14/2013	1/1/2013	Unknown	Bodily Injury	Alleged excessive force.	Police	No	Yes
Janis C. Fraser	1/14/2013	12/21/2012	2218 Mistletoe Blvd	Property Damage	Property damage from construction.	Water	Yes	No
Orlando Diaz	1/16/2013	1/3/2013	2524 Market Avenue	Auto Damage	Missing stop sign caused accident.	TPW	No	Yes
Brett Mair	1/16/2013	12/28/2012	Keller Hicks/Alta Vista	Auto Damage	Vehicle damage from uneven pavement.	TPW	Yes	No
ATMOS energy	1/16/2013	12/26/2012	2841 Avenue G	Property Damage	Damaged gas line.	Water	Yes	No
ATMOS energy	1/16/2013	12/25/2012	3656 Encanto Dr.	Property Damage	Damaged gas line.	Water	Yes	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Miguel Lopez	1/17/2013	1/15/2013	5001 James Ave	Auto Damage	Slid on ice, hit by City vehicle.	TPW	No	No
David Russell	1/18/2013	12/27/2012	Parkhill-Stadium & Colonial Pkwy	Auto Damage	Vehicle damage from road construction.	TPW	Yes	No
Regina Frances	1/17/2013	1/1/2013	4600 Western Center Blvd	Bodily Injury	Injured in auto accident.	Police	No	Yes
S. Ray DeRusse	1/17/2013	8/3/2012	Montgomery Street Antique Mall	Property Damage	Cost incurred due to faulty burglary investigation.	Police	Yes	No
Katherine Thomas	1/22/2013	1/19/2013	2900 Glen Garden & Mitchell 4200	Auto Damage	Vehicle struck pothole.	TPW	Yes	No
Sid R. Sadberry	1/22/2013	10/10/2012	Oak Grove	Auto Damage	Vehicle struck pothole.	TPW	Yes	No
Anita R. Alvarado	1/22/2013	11/7/2012	2725 Bull Shoals Dr.	Bodily Injury	Tripped on damaged sidewalk.	TPW	Yes	Yes
Curtis Winston, Jr.	1/11/2013	1/3/2013	4800 Eastover Ave.	Property Damage	Window broken by Police.	Police	Yes	No
AT&T	1/22/2013	12/19/2012	2306 6th Ave	Property Damage	City crew cut data line.	Water	Yes	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
AT&T	1/22/2013	11/9/2012	2965 Salado Trl	Property Damage	City crew cut data line.	Water	Yes	No
AT&T	1/22/2013	11/9/2012	2925 Salado Trl	Property Damage	City crew cut data line.	Water	Yes	No

No Documents for this Section

No Documents for this Section

Zoning Docket items are linked on the Council Meeting Agenda.



MEMORANDUM

Date: January 24, 2013

To: Honorable Mayor Price and City Council Members

From: Jeffrey W. Halstead, Chief of Police *Jeffrey W. Halstead*

Subject: Revisions to Police Department Organizational Chart

Included in the Council packets this week are the minor changes to the Police Department's Organizational Chart.

Here is a summary of the changes:

- Captain Sharon "Rene" Kamper, Chief's office/Administration: Captain Kamper will be assigned as the Administrative Captain in Police Administration. Captain Kamper will be responsible for Internal Affairs Division and the Public Affairs Office (PRO Team). She will also assist the Chief with the day to day operations of this office and will serve as the Chief's Labor/Management Liaison. The Mayor's Security Detail will continue to report to her as well.
- Deputy Chief Reassignments: All of the Deputy Chiefs will be reassigned on January 26th. All of them have served in their current positions since June of 2011. Here are the new assignments:
 - Deputy Chief Rhonda Robertson will command the "Support Bureau"
 - Deputy Chief Abdul Pridgen will command the "Patrol Bureau"
 - Deputy Chief Daniel Garcia will command the "Finance & Personnel Bureau"
- New "Major" assigned to Finance & Personnel Bureau: Major Billy Cordell will be the newly assigned Major to the Finance & Personnel Bureau. This is a new position and would be the current 'vacant' Major position that was assigned to the Chief's office. Major Cordell will assume some new responsibilities as well as major infrastructure projects and funding priorities.
- Other unit transfers/reassignments: Since there is no longer a Chief of Staff position, many of those programs and units that reported to this Major have been effectively reassigned within the other Bureaus. These changes should not impact anyone at City Hall and will not affect service or efficiency.

- Promotion to Major: In the coming weeks, I will promote an existing Captain to Major. The current vacancy is listed in the organizational chart in the “North Command” box in the Patrol Division. I hope to make this announcement within a month.

These changes will ensure our progress in the last few years continues and we can ensure the success of each Bureau’s operational mission. I appreciate all of the leaders that will be working hard to make these changes a success and will continue to provide excellent service to our City!

