



**SUMMARY OF MEETINGS AND ACTIVITIES  
MONDAY, MARCH 4, 2013, THROUGH FRIDAY, MARCH 8, 2013**

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**MONDAY, MARCH 4, 2013**

	<b><u>TIME</u></b>	<b><u>LOCATION</u></b>
DFW International Airport Public Facility Improvement Corporation Board	1:30 p.m.	DFW International Airport Administration Building 3200 East Airfield Drive, Board Room

**TUESDAY, MARCH 5, 2013**

Legislative and Intergovernmental Affairs Committee	10:00 a.m.	Pre-Council Chamber
Pre-Council Meeting	3:00 p.m.	Pre-Council Chamber
City Council	7:00 p.m.	Council Chamber

**WEDNESDAY, MARCH 6, 2013**

Tarrant Regional Transportation Coalition (TRTC)	8:30 a.m.	Intermodal Transportation Center 1001 Jones Street, Community Room
Passenger Rail Working Group	Immediately following the TRTC meeting scheduled to begin at 8:30 a.m.	Intermodal Transportation Center 1001 Jones Street, Community Room
Board of Adjustment – Commercial Work Session	9:00 a.m.	Pre-Council Chamber
Board of Adjustment – Commercial Public Hearing	10:00 a.m.	Council Chamber
Board of Adjustment – Residential Work Session	12:30 p.m.	Pre-Council Chamber
Board of Adjustment – Residential Public Hearing	1:30 p.m.	Council Chamber
Community Development Council	6:15 p.m.	Pre-Council Chamber

**THURSDAY, MARCH 7, 2013**

No meetings

<p>This summary is compiled from data furnished to the Office of the City Secretary by 12:00 p.m. on February 28, 2013, and may not include all meetings to be conducted during the week of March 4, 2013 through March 8, 2013. It is a summary listing only. See individual agendas which are posted in compliance with the Texas Open Meetings Act for detailed information.</p>
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**SUMMARY OF MEETINGS AND ACTIVITIES  
MONDAY, MARCH 4, 2013, THROUGH FRIDAY, MARCH 8, 2013**

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**FRIDAY, MARCH 8, 2013**

No meetings

This summary is compiled from data furnished to the Office of the City Secretary by 12:00 p.m. on February 28, 2013, and may not include all meetings to be conducted during the week of March 4, 2013 through March 8, 2013. It is a summary listing only. See individual agendas which are posted in compliance with the Texas Open Meetings Act for detailed information.

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**LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING**  
**TUESDAY, MARCH 5, 2013**  
**10:00 A.M.**  
**PRE-COUNCIL CHAMBER, CITY HALL**  
**1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE MEETING (CANCELLED)**

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**PRE-COUNCIL MEETING**  
**TUESDAY, MARCH 5, 2013**  
**3:00 P.M.**  
**PRE-COUNCIL CHAMBER, CITY HALL**  
**1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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1. Report of the City Manager - **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
2. Current Agenda Items - **City Council Members**
  - a. Overview on Significant Zoning Cases - **Dana Burghdoff, Planning and Development**
3. Responses to Items Continued from a Previous Week
  - a. [ZC-12-112](#) - Thomas Blanton, 3900 and 3950 Angle Avenue; from: "I" Light Industrial to: "D" High Density Multifamily (COUNCIL DISTRICT 2) **(Recommended for Approval by the Zoning Commission)** **(Continued from February 5, 2013 by Council Member Espino)**
  - b. [ZC-12-128](#) - David McDavid, 4621 Keller Hicks Road; from: "I" Light Industrial to: "A-5" One-Family (COUNCIL DISTRICT - 2) **(Recommended for Approval by the Zoning Commission)** **(Continued from January 29, 2013 by Council Member Espino)**
4. Briefing on Proposed Revisions to Ordinance Related to Farmers Markets - **Brandon Bennett, Code Compliance**
5. Briefing on Proposed Cotton Belt Rail Improvement District - **Bryan Beck, Planning and Development**
6. Briefing on Strategic Review of City Departments - **Fernando Costa and Susan Alanis, City Manager's Office**
7. Legislative Update - **Charles Daniels, City Manager's Office**
8. City Council Requests for Future Agenda Items and/or Reports

9. Executive Session (PRE-COUNCIL CHAMBER) - **SEE ATTACHMENT A**  
Attachment(s):  
[Executive Session Agenda - Attachment A.pdf](#)
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***This facility is wheelchair accessible. For accommodations or sign  
interpretive services, please call the City Manager's Office at 817-392-  
6143, 48 hours in advance.***

**ATTACHMENT A**

**EXECUTIVE SESSION**  
**(PRE-COUNCIL CHAMBER, CITY HALL)**  
**Tuesday, March 05, 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. *In Re: 1701 Commerce, LLC (Sheraton Bankruptcy)*, Case No. 12-41748, Northern District of Texas Bankruptcy Court;
- b. Legal issues related to litigation concerning premature street failures;
- c. Legal issues related to regulation of the sale of alcohol under Chapter 4, Section 4-4 of the City Code;
- d. Legal issues related to acquisition of KingFish software from Harris Corporation; 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 7:00 P.M. TUESDAY, MARCH 05, 2013  
CITY COUNCIL CHAMBER, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**I. CALL TO ORDER**

**II. INVOCATION** - Reverend Jerome LeDoux, SVD, Our Mother of Mercy Catholic Church

**III. PLEDGE OF ALLEGIANCE**

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF FEBRUARY 19, 2013, AND THE JOINT MEETING BETWEEN THE CITY COUNCIL AND THE FORT WORTH TRANSPORTATION AUTHORITY BOARD OF DIRECTORS OF FEBRUARY 20, 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-17820](#) - Approve Findings of Ground Transportation Coordinator Regarding Application of DZ Limo Service to Operate Two Limousines Within the City of Fort Worth and Adopt Ordinance Granting Such Authority (ALL COUNCIL DISTRICTS)
2. [M&C G-17821](#) - Authorize Execution of Second Renewal with Clear Message Communication, LLC d/b/a Ignite It Group, in the Amount Not to Exceed \$59,255.00 for a Professional Services Agreement to Provide Professional Consulting Service to Develop a Public Education/Outreach Campaign on Recycling (ALL COUNCIL DISTRICTS)
3. [M&C G-17822](#) - Approve Request of Downtown Fort Worth Initiatives, Inc., for Temporary Street Closures from April 15, 2013 Through April 22, 2013 to Accommodate the 2013 Main Street Fort Worth Arts Festival (COUNCIL DISTRICT 9)
4. [M&C G-17823](#) - Authorize Acceptance of a Grant in the Amount of \$4,000.00 from Tarrant County College for the Fire Department, Educational and Support Services Division and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)

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

1. [M&C P-11493](#) - Authorize Rejection of the Proposals Received in Response to the Fire Supply Inventory Consultant Request for Proposals No. 12-0310 (ALL COUNCIL DISTRICTS)
2. [M&C P-11494](#) - Authorize Purchase Agreement with Smith Pump Company, Inc., for Vertical Pump, Parts and Repairs for the Water Department in the Amount Up to \$100,000.00 for the First Year (ALL COUNCIL DISTRICTS)

3. [M&C P-11495](#) - Authorize Purchase Agreement with POM Incorporated in the Amount Up to \$80,000.00 for the First Year for Parking Meters and Credit Card Mechanisms for the Transportation and Public Works Department (ALL COUNCIL DISTRICTS)
4. [M&C P-11496](#) - Authorize Purchase Agreement with DPC Industries, Inc., in the Amount Up to \$622,000.00 for the First Year for Anhydrous Ammonia for the Water Department (ALL COUNCIL DISTRICTS)

**C. Land - Consent Items**

1. [M&C L-15519](#) - Authorize Purchase of Property Located at 3412 Chestnut Avenue from James R. Hewitt, Jr., James Earl Mallard, Barbara Juan Crockett, Jacquelyn Renea Alford, and Vern Esther Mallard in the Amount of \$23,534.08, Plus Approximately \$5,000.00 in Closing Costs for the Fort Worth Meacham International Airport for the Noise Mitigation Program (COUNCIL DISTRICT 2)

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

1. [M&C PZ-3016](#) - Adopt Ordinance Vacating Two Portions of Keller Hicks Road Near the Intersection of North Riverside Drive and Timberland Boulevard to Metroport Cities Fellowship, Inc., and Timberland Group, LLC (COUNCIL DISTRICT 2)

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

1. [M&C C-26123](#) - Authorize Execution of a Final Art Design Agreement with Ned Kahn d/b/a Ned Kahn Studios, in the Amount Up to \$55,000.00 for an Art Sculpture to be Installed in the Roundabout at the Intersection of Henderson Street and White Settlement Road Being Constructed as Part of the Trinity River Vision Bridge Project (COUNCIL DISTRICTS 2 and 9)
2. [M&C C-26124](#) - Authorize Execution of Amendment No. 4 to City Secretary Contract No. 38775, an Engineering Agreement with Kennedy Consulting, Ltd., in the Amount of \$132,200.00 for the Design of Dirks Road from Bryant Irvin Road to Granbury Road, Thereby Increasing the Total Contract Amount to \$1,805,083.85 (COUNCIL DISTRICTS 3 and 6)
3. [M&C C-26125](#) - Authorize Execution of a Contract with Tejas Commercial Construction, LLC, in the Amount of \$519,253.25 for the Construction of Water and Sewer Improvements on East First Street from Beach Street to Oakland Boulevard and Provide for Project Costs and Contingencies for a Project Total in the Amount of \$583,216.00, Authorize Execution of Amendment No. 5 to an Engineering Services Agreement with Dunaway Associates, L.P., City Secretary Contract No. 36513, in the Amount Up to \$17,705.00 to Prepare a Conditional Letter of Map Revision Request Package for the Federal Emergency Management Agency, Thereby, Increasing the Amount of the Engineering Services Contract to \$1,043,426.00 (COUNCIL DISTRICT 4)
4. [M&C C-26126](#) - Authorize Execution of a Contract with Southwestern Bell

Telephone Company d/b/a AT&T Texas in the Amount of \$378,316.35 to Relocate Underground Facilities in Litsey Road from Cleveland-Gibbs Road to Independence Parkway (COUNCIL DISTRICT 2)

5. [M&C C-26127](#) - Authorize Execution of Amendment No. 6 to City Secretary Contract No. 34801, an Engineering Services Agreement in the Amount of \$132,115.00 with Teague Nall and Perkins, Inc., for the Design of Keller-Hicks Road from Seven Hundred Fifty Feet West of Ridgeview Street to Park Vista Boulevard and North Beach Street from Golden Triangle Boulevard to Keller-Hicks Road, for a Total Contract in the Amount of \$1,261,681.00 (COUNCIL DISTRICT 2)
6. [M&C C-26128](#) - Authorize Execution of Change Order No. 6 to City Secretary Contract No. 43041, with JLB Contracting, LLC, in the Amount of \$158,456.10, for the Construction of North Beach Street from Keller-Hicks Road to Timberland Boulevard, Thereby, Increasing the Total Contract Amount to \$7,398,813.86 and Adopt Appropriation Ordinance (COUNCIL DISTRICT 2)
7. [M&C C-26129](#) - Authorize Execution of an Agreement with Trinity River Mitigation Bank, in the Amount of \$104,300.00 for the Purchase of Wetland Mitigation Bank Credits for the Precinct Line Road Project from Hurst Boulevard to Concho Trail (COUNCIL DISTRICTS 4 and 5)
8. [M&C C-26130](#) - Authorize Execution of an Engineering Services Agreement with Freese and Nichols, Inc., in the Amount Not to Exceed \$341,470.00 for the Conceptual Design of Risinger Road from Crowley Road to Interstate 35W Utilizing Funds from the 2008 Bond Program and Provide for Additional Expenditure for Project Management and Design Review for a City Project Total in the Amount of \$401,470.00 (COUNCIL DISTRICT 6)
9. [M&C C-26131](#) - Authorize Execution of a Stormwater Facility Maintenance Agreement with Tarrant Regional Water District, for Property Located at 808 East Northside Drive and Containing 0.809 Acres of Land in the F.G. Mulliken Survey Abstract No. 1045, at No Expense to the City (COUNCIL DISTRICT 2)
10. [M&C C-26132](#) - Adopt Supplemental Appropriation Ordinance Increasing Appropriations in the Culture and Tourism Fund in the Amount of \$248,000.00 and Decreasing the Assigned Culture and Tourism Fund Balance by the Same Amount, Authorize Execution of a Construction Contract with Able Communications, Inc., in the Amount of \$201,670.00 to Upgrade the Digital Components of the Sound System at the Fort Worth Convention Center, Provide for Contingency and Staff Costs for a Total Project Cost in the Amount of \$248,000.00 (COUNCIL DISTRICT 9)
11. [M&C C-26133](#) - Authorize Execution of a Three Year Agreement with LeadsOnline in the Amount of \$42,440.00 Per Year for Use of the LeadsOnline Investigation System for the Purpose of Identifying Stolen Merchandise Related to Scrap Metal Thefts or Other Items Reported by Pawn Shop Owners and



Second Hand Scrap Metal Dealers and Adopt Supplemental Appropriation Ordinance in the General Fund and Decrease the Unassigned Fund Balance in the Amount of \$42,440.00 (ALL COUNCIL DISTRICTS)

12. [M&C C-26134](#) - Authorize Execution of a Contract with Commercial Fence, Inc., in the Amount of \$603,824.12 for Construction of Security Improvements at Fort Worth Alliance Airport (COUNCIL DISTRICT 2)
13. [M&C C-26135](#) - Authorize Execution of Change Order No. 1 to City Secretary Contract No. 38055 with Conatser Construction TX, LP, in the Amount of \$87,923.00 for Water and Sewer Main Replacements Contract 2008A at Various Locations for a Revised Total Contract Amount, Including Renewals, of \$6,087,923.00 (ALL COUNCIL DISTRICTS)

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

1. OCS - 1879 - Notice of Claims for Alleged Damages and/or Injuries

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

1. Presentation of Proclamation for the Centennial Celebration of Cherry Tree Gift Day
2. Presentation by the Fort Worth Commission for Women

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

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

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

1. Changes in Membership on Boards and Commissions

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

#### **XIII. RESOLUTION**

1. A Resolution Designating Saturday March 23, 2013, from 8:30 P.M. to 9:30 P.M. as Earth Hour 2013 in the City of Fort Worth, Texas
2. A Resolution Appointing a Water Utility Task Force to Advise the City Council About the City's Options for Public/Private Partnerships to Deliver Water and Wastewater Services
3. A Resolution Authorizing the City Manager to Initiate the Creation of Compatible Use Zone Overlays North and South of the Naval Air Station Fort Worth Joint Reserve Base
4. A Resolution Declaring the City's Conditional Support of and Consent to the Creation of the Cotton Belt Rail Improvement District
5. A Resolution Amending Resolution No. 4108-07-2012, as Previously Amended, By Appointing Four New Members to the Passenger Rail Working Group

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

1. [ZC-12-112](#) - (CD 2) - Thomas Blanton, 3900 and 3950 Angle Avenue; from: "I" Light Industrial to: "D" High Density Multifamily (**Recommended for Approval by the Zoning Commission**) (**Continued from a Previous Meeting**)
2. [ZC-12-119](#) - (CD 7) - City of Fort Worth Planning & Development, Generally bounded by WJ Boaz Road, Old Decatur Road, Creek Ridge Trail, & Meandering Lane; from: Unzoned to: "C" Medium Density Multifamily (**Recommended for**

## Approval by the Zoning Commission)

3. **ZC-12-124 - (CD-ALL)** - City of Fort Worth Planning & Development, Text Amendment: Farmers Markets: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth, by Amending:
  - Section 4.800 "Nonresidential District Use Table" and Section 4.1200 "Uses" to add Farmers' Market as a permitted use in certain zoning districts;
  - Section 6.201 Off Street Parking to add required parking ratios for farmers' markets;
  - Article 1 "Standards For Selected Uses", of Chapter 5, "Supplemental Use Standards," to add Section 5.145, Farmers' Markets, to provide a maximum square footage in certain districts;

To review the proposed amendments:

<http://www.fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>  
(Recommended for Approval by the Zoning Commission)

4. **ZC-12-127 - (CD 3)** - Mason & Hady Enterprises, LLC, 10013 Southview Road; from: "G" Intensive Commercial to: "PD/G" Planned Development for all uses in "G" Intensive Commercial plus mini-warehouse; site plan included.  
(Recommended for Approval by the Zoning Commission with amended site plan)
5. **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)
6. **ZC-13-002 - (CD 9)** - City of Fort Worth, 5000 Hemphill Street; from: "I" Light Industrial to: (Tract 1) "PD/I" Planned Development for all uses in 'I' Light Industrial plus indoor firing range for public safety training; site plan waiver recommended. (Tract 2) "PD/I" Planned Development for all uses in "I" Light Industrial for outdoor fire training center with 100 ft tall burn tower; site plan waiver recommended. (Recommended for Approval by the Zoning Commission)
7. **ZC-13-013 - (CD 5)** - Palisade Custom Homes, LP, 3741 Elm Street; from: "AG" Agricultural to: "A-5" One-Family (Recommended for Approval as Amended to A-5 by the Zoning Commission)
8. **ZC-13-014 - (CD 2)** - JB Hunt Transport, Inc., 14051 FM 156; from: "AG" Agricultural to: "K" Heavy Industrial (Recommended for Approval by the Zoning Commission)
9. **ZC-13-016 - (CD 2)** - GT/Old Denton, LTD., 11055 Old Denton Road; from: "G" Intensive Commercial to: "PD/G" Planned Development for all uses in "G" Intensive Commercial plus mini-warehouse; site plan included. (Recommended for Approval by the Zoning Commission)
10. **ZC-13-017 - (CD 6)** - Elizabeth Potter & Virginia Purcell, 500 Block of FM 1187; from: "A-5" One-Family, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, and "FR" General Commercial Restricted to: "ER" Neighborhood Commercial Restricted and "E" Neighborhood Commercial (Recommended for Approval by the Zoning Commission)
11. **ZC-13-019 - (CD 3)** - Conti Ridgmar, L.L.C., 2600 South Cherry Lane; from: "PD-930" Planned Development for all uses in "E" Neighborhood Commercial plus furniture upholstery, refinishing or resale; mini-warehouses; assembly of pre-manufactured parts, except for vehicles, trailers, airplanes or mobile homes; carpet and rug cleaning; food processing (no slaughtering); furniture or cabinet

repair or construction; manufacture of artificial flowers, ornaments, awnings, tents, bags, brooms or brushes, buttons and novelties, canvass products, clothing, suits, coats or dresses for wholesale trade, plastics; monument/marble works, finishing and carving only and stone monument works; paper box manufacture; pattern shop; rubber stamping, shearing/punching; rubber stamp manufacture; sheet metal shop, warehouse or bulk storage; wholesale bakery, produce market or wholesale house; wholesale office or sample room; production, manufacture and wholesale retail sales of candy and other confections; multi-tenant warehouse distribution facility; and sewing, embroidery, and screen printing, with a waiver of the site plan and all uses to be located inside the building; site plan waived to: Amend "PD-930" to include specialty crafting, forming, laminating and repair of acrylic sheets for aircraft windows; site plan waiver recommended.

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

12. [zc-13-020](#) - **(CD 3)** - CRP City View LLC, 6301 Overton Ridge Boulevard; from: "PD-473" Planned Development Specific Use for housing for elderly persons subject to the development standards of the "CR" Low Density Restricted multifamily district and provision of a Unified Residential Development Site Plan; site plan waived to: Amend "PD-473" Planned Development to add assisted living and nursing home and to delete the requirement for a Unified Residential Development site plan; site plan included. **(Recommended for Approval by the Zoning Commission)**
13. [zc-13-021](#) - **(CD 2)** - Ail Investment LP, 14200 Block Old Blue Mound Road; from: "AG" Agricultural to: "K" Heavy Industrial **(Recommended for Approval by the Zoning Commission)**
14. [zc-13-022](#) - **(CD 9)** - Chase Place Subdivision, 1 - 14 Chase Court, from: "A-5" One-Family, "B" Two-Family and "E" Neighborhood Commercial to: "A-5/HC" One-Family/Historic & Cultural, "B/HC" Two-Family/Historic & Cultural and "E/HC" Neighborhood Commercial/Historic & Cultural **(Recommended for Approval by the Zoning Commission)**
15. [zc-13-023](#) - **(CD 9)** - James Daren George, 1901 Ben Hall Court; from: "A-5" One-Family to: "A-5/HC" One-Family/Historic & Cultural Overlay **(Recommended for Approval by the Zoning Commission)**
16. [zc-13-024](#) - **(CD 9)** - Robert Adams, 2216 Huntington Lane; from: "A-5" One-Family to: "A-5/HC" One-Family/Historic & Cultural Overlay **(Recommended for Approval by the Zoning Commission)**
17. [zc-13-025](#) - **(CD 8)** - City of Fort Worth Planning & Development, 2405 S. Riverside Drive; from: "I" Light Industrial to: "E" Neighborhood Commercial **(Recommended for Approval by the Zoning Commission)**
18. [zc-13-026](#) - **(CD 9)** - City of Fort Worth Planning & Development, 2132 May Street; from: "A-5" One-Family and "B" Two-Family to: "A-5" One-Family **(Recommended for Approval by the Zoning Commission)**
19. [zc-13-027](#) - **(CD 4)** - City of Fort Worth Planning & Development, 4209 Fain Street; from: "B" Two-Family to: "A-5" One-Family **(Recommended for Approval by the Zoning Commission)**
20. [zc-12-028](#) - **(CD 8)** - City of Fort Worth Planning & Development, 1700 Bryan Street; from: "J" Medium Industrial to: "ER" Neighborhood Commercial Restricted **(Recommended for Approval by the Zoning Commission)**
21. [zc-13-029](#) - **(CD 8)** - City of Fort Worth Planning & Development, 2624 Stuart Drive; from: "J" Medium Industrial to: "A-5" One-Family **(Recommended for Approval by the Zoning Commission)**

22. [ZC-13-030](#) - (CD 7) - City of Fort Worth Planning & Development, 5522 & 5529 Bonnell Avenue; from: "I" Light Industrial to: "A-5" One-Family **(Recommended for Approval by the Zoning Commission)**
23. [ZC-13-031](#) - (CD 8) - City of Fort Worth Planning & Development, 1300 Stafford Drive; from: "B" Two-Family to: "A-5" One-Family **(Recommended for Approval by the Zoning Commission)**
24. [SP-13-002](#) - (CD 9) - Sandage Development Partners, LLC, 2809 - 2821 Sandage Avenue; Amend Site Plan for PD-794 to change from two units per building to four units per building. **(Recommended for Approval by the Zoning Commission)**
25. [ZC-13-034](#) - (CD-ALL) - City of Fort Worth Planning & Development Department, Text Amendment: Gas Compressors in "AG" Agricultural Districts; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend:
  - Chapter 5 "Supplemental Use Standards" to amend Section 5.140 "Natural Gas Compressor Stations" to reflect the revisions in the Gas Ordinance; and
  - Sections 4.800 "Nonresidential District Use Table" and 4.1200 "Form Based Districts Use Table" to clarify that line compressors are permitted by right in certain districts and by Special Exception in all other zoning districts

To review the proposed amendments:

<http://www.fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>  
**(Recommended for Approval by the Zoning Commission)**

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

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

### **B. General**

1. [M&C G-17824](#) - Adopt Ordinance Approving the City of Fort Worth 2013 Comprehensive Plan as Recommended by the City Plan Commission and as Amended with Respect to the Annexation Policy and Program (ALL COUNCIL DISTRICTS)
2. [M&C G-17825](#) - Adopt Resolution Authorizing an Amendment to the Mineral Lease Between Dallas/Fort Worth International Airport Board, City of Fort Worth, City of Dallas and Chesapeake Exploration, L.L.C. to Revise the Required Drilling Schedule (ALL COUNCIL DISTRICTS)
3. [M&C G-17826](#) - Adopt Ordinance Amending Chapter 2 of the City Code, Administration, Article I, In General, Allowing the Consideration of the Location of a Bidder's Principal Place of Business in City Procurements (ALL COUNCIL DISTRICTS)
4. [M&C G-17827](#) - Authorize Acceptance of Donations from Air North Texas in the Amount of \$3,000.00 and from Clean Air Texas in the Amount of \$500.00 for Use in Air Quality Outreach Programs, Increase Estimated Receipts and Appropriations in the Environmental Protection Fund and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)
5. [M&C G-17828](#) - Authorize Acceptance of Monetary Gift from the Fort Worth Botanical Society, Inc., in the Amount of \$41,231.00 to

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

1. [M&C P-11497](#) - Authorize Purchase of Two Quint Fire Trucks from Scott Fire Apparatus, Inc., in the Amount of \$1,605,694.00 for the Fire Department, Using a Cooperative Contract (ALL COUNCIL DISTRICTS)

**D. Land**

1. [M&C L-15520](#) - Conduct Public Hearing and Authorize Use of a Portion of Love Circle Park and the Fort Worth Nature Center & Refuge for the Installation of a Sanitary Sewer Service Line and Associated Infrastructure (COUNCIL DISTRICT 7) **(PUBLIC HEARING)**
  - a. Report of City Staff
  - b. Citizen Presentations
  - c. Council Action
2. [M&C L-15521](#) - Conduct Public Hearing and Authorize Use of a Portion of Sycamore Park for the Installation of Storm Drainage Improvements (COUNCIL DISTRICT 8) **(PUBLIC HEARING)**
  - a. Report of City Staff
  - b. Citizen Presentations
  - c. Council Action

**E. Planning & Zoning - None**

**F. Award of Contract**

1. [M&C C-26136](#) - Authorize Execution of a Five-Year Tax Abatement Agreement with Piney Woods Restaurants, LP, for the Construction of a Two-Story Taco Bell Restaurant on Property Located at 1913 West Berry Street in the Berry/University Neighborhood Empowerment Zone (COUNCIL DISTRICT 9)
2. [M&C C-26137](#) - Authorize Execution of an Engineering Services Agreement with Halff Associates, Inc., in the Amount Not to Exceed \$958,219.00 for Engineering Services to Design and Support Construction Manager at Risk Delivery of Lakeshore Drive from Wilbarger Street to Berry Street and Provide for Additional Expenditures for Project Costs for a Project Total in the Amount of \$1,149,863.00 (COUNCIL DISTRICT 5)
3. [M&C C-26138](#) - Authorize Execution of a Contract with AUI Contractors, LLC, in the Amount of \$3,548,929.87 for Construction of a Four Lane Undivided Bridge Across Fossil Creek and a Roadway from Redwood Creek Lane to Stone Creek Parkway, Provide Funding for Additional Expenditures for Construction Services and Contingencies for a Project Total in the Amount of \$4,001,376.87 (COUNCIL DISTRICT 4)



4. [M&C C-26139](#) - Authorize Execution of a Contract with McMahon Contracting, LP, in the Amount of \$5,750,394.08 for the Construction of Old Denton Road from Heritage Trace Parkway to Golden Triangle Boulevard and Provide for Additional Expenditures for Project Costs and Contingencies for a Total of \$6,555,449.08 (COUNCIL DISTRICT 2)
5. [M&C C-26140](#) - Authorize Execution of a Contract with Ed Bell Construction Company in the Amount of \$5,969,695.63 for the Reconstruction of Robertson Road from Boat Club Road to 600 Feet West of Lake Country Drive and Provide Additional Funding for Project Costs and Contingencies for a Project Total in the Amount of \$6,805,453.02 and Adopt Appropriation Ordinances (COUNCIL DISTRICT 7)
6. [M&C C-26141](#) - Authorize Conveyance of an Easement to Oncor Electric Delivery for Rehabilitating and Upgrading an Electric Distribution System and Appurtenances to the Russom Ranch Pump Station Located at 5300 Woodway Drive at No Expense to the City (COUNCIL DISTRICT 6)
7. [M&C C-26142](#) - Authorize Execution of a Contract with Jackson Construction, Ltd., in the Amount of \$1,638,475.30 for Water and Sanitary Sewer Replacement Contract 2009, WSM-A, on Fifth Avenue, Sixth Avenue, Ryan Avenue, Ryan Place Drive, Stadium Drive, Avondale Avenue, Lowden Street and Frazier Avenue, Provide for Project Costs and Contingencies for a Project Total in the Amount of \$1,744,452.00 and Adopt Appropriation Ordinances (COUNCIL DISTRICT 9)
8. [M&C C-26143](#) - Authorize Execution of a Professional Services Agreement with EMA, Inc., in the Amount Not to Exceed \$328,622.00 to Develop and Manage a Solicitation Process to Evaluate Options for Public/Private Partnerships Involving the Management and Operation of the City's Water and Sewer Utility (ALL COUNCIL DISTRICTS)
9. [M&C C-26144](#) - Authorize Execution of an Engineering Agreement with Brown & Gay Engineers, Inc., in the Amount of \$1,158,764.00 for Northside II 48-inch Water Main, Phase I from Heritage Trace Parkway to Alta Vista Road, Provide for Additional Staff Project Costs for a Project Total in the Amount of \$1,189,264.00 (COUNCIL DISTRICT 2)
10. [M&C C-26145](#) - Authorize Execution of a Contract with William J. Schultz Inc. d/b/a Circle "C" Construction Company in the Amount of \$1,000,000.00 for Sewer Main Replacements, Contract 2013A, at Various Locations Throughout the City of Fort Worth, Provide for Project Costs and Contingencies for a Project Total in the Amount of \$1,149,300.00 and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)

#### **XVI. CITIZEN PRESENTATIONS**

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

#### **XVIII. ADJOURNMENT**

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

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***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, March 5, 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. *In Re: 1701 Commerce, LLC (Sheraton Bankruptcy)*, Case No. 12-41748, Northern District of Texas Bankruptcy Court;
- b. Legal issues related to litigation concerning premature street failures;
- c. Legal issues related to regulation of the sale of alcohol under Chapter 4, Section 4-4 of the City Code;
- d. Legal issues related to acquisition of KingFish software from Harris Corporation; 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**  
**Legislative and Intergovernmental Affairs Committee**  
**Agenda**

**Tuesday, March 5, 2013**  
**10:00 a.m.**  
**Pre-Council Chambers**  
**1000 Throckmorton Street**  
**Fort Worth, Texas**

Councilmember Danny Scarth, Chair  
Councilmember Dennis Shingleton, Vice Chair

Mayor Pro Tem Zim Zimmerman  
Councilmember Frank Moss

Charles Daniels, Assistant City Manager  
Shirley Little, Manager, Government Relations  
TJ Patterson, Manager, Legislative Affairs  
Maleshia Farmer, Sr. Assistant City Attorney  
Evonia Daniels, Staff Liaison

- 
- I. CALL TO ORDER**
- II. APPROVAL OF MINUTES FROM FEBRUARY 5, 2013**
- III. ACTION ITEMS**
- A. CONSIDERATION OF THE APPOINTMENT OF DR. TIM MORTON (LICENSED VETERINARIAN) TO PLACE 2 ON THE ANIMAL SHELTER ADVISORY COMMITTEE (MARY KAYSER, CITY SECRETARY)
  - B. CONSIDERATION OF AMENDMENT TO THE 2013 STATE LEGISLATIVE PROGRAM TO INCLUDE WORKERS COMPENSATION BENEFITS (SUSAN ALANIS, ASSISTANT CITY MANAGER)
  - C. CONSIDERATION OF AMENDMENT TO THE 2013 STATE LEGISLATIVE PROGRAM TO INCLUDE COTTON BELT RAIL IMPROVEMENT DISTRICT (BRYAN BECK, PLANNING AND DEVELOPMENT)
- IV. BRIEFING**
- A. BRIEFING ON LEASE EXTENSION WITH TEXAS RAILROAD COMMISSION (CHARLES W. DANIELS, ASSISTANT CITY MANAGER)
  - B. STATE LEGISLATIVE UPDATE (TJ PATTERSON, MANAGER LEGISLATIVE AFFAIRS)
  - C. FEDERAL LEGISLATIVE UPDATE (KASEY PIPES, CORLEY PIPES CONSULTING, LLC)
  - D. DEPARTMENT OF ENERGY BETTER BUILDINGS CASE COMPETITION (SAM STEELE, ADMINISTRATOR OF SUSTAINABILITY PROGRAMS)
- V. REQUEST FOR FUTURE AGENDA ITEMS**
- A. THE NEXT MEETING IS SCHEDULED FOR APRIL 2, 2013 AT 11:00 A.M. IN THE PRE-COUNCIL CHAMBERS.
- VI. EXECUTIVE SESSION**

THE LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MAY CONDUCT A CLOSED MEETING TO SEEK THE ADVICE OF ITS ATTORNEYS CONCERNING LEGAL ISSUES REGARDING ANY MATTERS LISTED ON TODAY'S AGENDA, WHICH 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.

**VII. ADJOURN**

*Please Note: A quorum of the City Council may be attending this meeting for informational purposes. Members of the City Council who are not on the Committee will not be deliberating or voting on matters before the Committee.*

*This facility is wheelchair accessible. For accommodations or sign interpretive services, please call the City Manager's Office at 392-7504, 48 hours in advance.*

**CITY COUNCIL**  
**Legislative and Intergovernmental Affairs Committee**  
**Minutes**  
**Tuesday, February 5, 2013**

COUNCIL MEMBERS IN ATTENDANCE: Councilmember Danny Scarth (Chairman), Mayor Pro Tem Zim Zimmerman, Councilmember Frank Moss and Councilmember Dennis Shingleton.

The Legislative and Intergovernmental Affairs Committee was called to order by Chairman Danny Scarth at 11:05 a.m.

Chairman Scarth called for a motion for approval of the January 8, 2013 minutes. The motion was made by Councilmember Frank Moss and seconded by Councilmember Dennis Shingleton. The minutes were approved.

**ACTION ITEMS**

Mary J. Kayser, City Secretary presented to the committee the recommendation of appointment of Ms. Lauren A. Marte to Place 7 (At-Large Position) on the Animal Shelter Advisory Committee

A motion was made by Councilmember Dennis Shingleton and seconded by Councilmember Frank Moss for consideration of the recommendation and the motion passed.

**DISCUSSION**

Kasey Pipes with Corley Pipes Consulting updated the committee on the services they performed during the month of January:

- Meetings with the Mayor and Council Members:
  - Scarth (2);
  - Shingleton;
  - Jordan (2);
  - Price (5).
- Meetings with Members of Congress:
  - Williams (6);
  - Granger (3);
  - Cornyn (1);
  - Veasey (1).
- Meetings with Congressional Staff:
  - Colby Hale-Williams Chief of Staff (25);
  - Matt Leffingwell-Granger Chief of Staff (12);
  - Shannon Meade-Granger Deputy Chief of Staff (22);
  - Jane Hamilton-Veasey Chief of Staff (2);
  - Chip Roy-Cruz Chief of Staff (1).

- City Council Meetings Attended:
  - City Council (3);
  - Pre-Council (2).
- Legislative Affairs Meetings Attended:
  - Fiscal cliff presentation on January 8.
- Efforts in Support of City's Legislative Agenda:
  - Meetings in support of TEXRAIL with Congressman Veasey, Congressman Williams and the staffs of Congressman Veasey and Congresswoman Granger;
  - Meetings in support of defense priorities with Congresswoman Granger, Congressman Williams and Congressman Veasey;
  - Meetings in support of TRV with Congresswoman Granger and Congressman Veasey;
- Efforts in Support of City's Administrative Agenda:
  - Meetings with Congresswoman Granger's staff on the EPA issue;
  - Meetings with Congressman Veasey's office on CDBG and Caville Place;
  - Meetings with Congresswoman Granger's office and Congressman Williams' office on the Spinks Airport aviation issue.

### **Mayor's DC Trip After-Action Report**

#### *Overview*

In mid-January, Mayor Price traveled to Washington to attend the After School Alliance Conference. We took advantage of this trip to plan meetings on the Hill where the mayor could advance the City's agenda. The goal was to introduce the City's new legislative agenda to key people on the Hill. The following is a brief summary of those efforts:

#### *Meeting with Congressman Veasey and Key Staff*

Mayor Price met with Congressman Marc Veasey and his senior staff including chief of staff Jane Hamilton. The mayor presented all three of the main legislative priorities (i.e., transportation, defense and TRV) to Congressman Veasey, as well as the administrative priorities (including a discussion of Caville Place that Councilman Moss had requested). Congressman Veasey was very responsive. He pledged to work with us on these priorities and instructed his staff to stay in close touch with us on these. Later that night, the mayor hosted a dinner for Jane Hamilton (representing Congressman Veasey's office) and Matt Leffingwell and Shannon Meade (representing Congresswoman Granger's office). At the dinner, the two staffs talked about working together on the City's priorities. Scott Corley will be following up with both offices as the legislative session begins in earnest this week. Both staffs commented how impressed they were with the mayor and with her presentation.

#### *Republican Staff Conversations*

With Republicans at their retreat in Williamsburg, we focused our Republican outreach on key staff members. Shannon Meade, Legislative Director for Congresswoman Granger's office was especially helpful. In addition to her dinner meeting with the mayor, Shannon met with Kasey and Scott separately while the mayor was attending After School meetings. Shannon is working

on several items for the City right now including an EPA issue and an aviation issue. She will continue to be a huge part of our legislative outreach strategy. Kasey also met separately with Colby Hale, Roger Williams' chief of staff, and Spencer Freebairn, Roger Williams' legislative director. Both pledged to work very closely with us on the City's transportation issues as Congressman Williams is now serving on the House Transportation and Infrastructure Committee.

### *Conclusion*

The trip was carefully planned and executed and the mayor did a great job of laying the groundwork for our 2013 legislative agenda. We will be in close contact with the Granger, Williams and Veasey offices to ensure that we capitalize on the progress we have made so far.

Dana Burghdoff, Assistant Director Planning and Development briefed the committee regarding the expansion of Emergency Services Districts in Municipality's Extra-Territorial Jurisdiction.

### **Overview**

#### **What is an Emergency Services District (ESD)?**

Provides **enhanced fire protection**, if approved by citizens.

- Created by **State of Texas Health & Safety Code**
- Governed by **five-member board**
- Funded by **property tax** capped at 10 cents per \$100 valuation
- All emergency services district **taxes stay in the district**

#### **How are ESD boundaries expanded?**

State law requires **petition and election processes**.

- **50+ land owners/voters** in proposed area present **petition** to join ESD
- ESD board holds **public hearing**
- County Commissioners **call election**
- **Proposed** ESD residents **vote** to join district
- **Existing** ESD residents **vote** to accept expanded area

#### **Where are the Parker County Emergency Services District existing stations?**

- **Station 46** - Peaster Volunteer Fire Department
- **Station 48** - Springtown Volunteer Fire Department.
- **Station 51** - La Junta Volunteer Fire Department.
- **Station 54** - Silver Creek Volunteer Fire Department.
- **Fleet Maintenance** -  
repairs 27-vehicle fleet.  
Provides some services to surrounding departments

#### **Where are the Aledo Volunteer Fire Department existing stations?**

- **Station 1** - 215 Mesquite, Aledo

- **Station 2** - 6085 White Settlement, Weatherford

### **Timeline of ESD #1**

<b>1999</b>	<b>ESD #1 forms in Springtown (Station 48)</b>
<b>2000</b>	<b>La Junta VFD (Station 51) joins ESD #1</b>
<b>2011</b>	<b>Administration and Maintenance buildings built. Peaster (Station 46) and Silver Creek (Station 52) VFDs join ESD #1.</b>
<b>Oct. 2012</b>	<b>Three new fire trucks ordered for \$1.18 million</b>
<b>Nov 1. 2012</b>	<b>Aledo VFD files petition for inclusion in ESD #1</b>
<b>Dec 11. 2012</b>	<b>ESD #1 board holds public hearing on inclusion of Aledo VFD</b>
<b>May 11. 2013</b>	<b>Election to expand ESD #1</b>

### **What are the municipal impacts of an expanded ESD boundary?**

Future annexation of land containing ESD obligates city to pay proportionate share of ESD's **debt** and purchase any **capital improvements** at fair market value in annexation area.

### **What does staff recommend for legislation affecting ESDs?**

- Require municipal approval for **expansion of an ESD** in municipal ETJ.
- Require municipal approval for **purchase of property** and **construction of facilities** to be located in ETJ.
- Provide **other** municipal protections as determined appropriate.

### **Next Steps**

- **Meet** with representatives of ESD #1 in Springtown.
- Work with TML to draft appropriate **legislation** in coordination with other interested municipalities.
- **Brief** City Council during legislative updates.

TJ Patterson, Legislative Affairs Manager updated the committee on Texas Legislative Session.

**GOVERNOR** – Governor Rick Perry announced that Business Facilities magazine has again named Texas its State of the Year, citing the aggressive economic development strategies that have helped attract jobs and investment to the Lone Star State. Governor Perry said, "Employers the world over continue to look to Texas as the epicenter of job creation thanks to our conservative fiscal principles of low taxes, reasonable regulations, fair courts and promoting a skilled workforce. We will continue proactively reaching out to employers and individuals to tell the Texas success story, and working to keep our state the land of freedom and opportunity for families and businesses. In addition to our strong and diverse energy industry, the magazine cited

growth in several sectors, including manufacturing and high tech industries, such as biotechnology, that are supported by Texas' world-class universities. The study also noted Texas' growing population and strong infrastructure as a factor in its success." Business Facilities Editor in Chief Jack Rogers said "Texas is our 2012 State of the Year because it without a doubt has the most dynamic economy of any state in the nation. The job-producing engine in the Lone Star State barely sputtered during the Great Recession, bouncing back over pre-Recession levels faster than anywhere else in the U.S."

**Next Week** – Governor Rick Perry will give his **State of the State** address to a joint session of the legislature on Tuesday, January 29, 2013 at 11:00a.m.

**SENATE** – The Senate was only in session on Wednesday of this week. Senators drew for two- and four-year terms because all Senate seats were up for election in 2012 due to redistricting.

**11 Republicans Drew 2-Year Terms** – Donna Campbell, John Carona, Bob Deuell, Craig Estes, Kelly Hancock, Joan Huffman, Robert Nichols, Dan Patrick, Ken Paxton, Charles Schwertner and Kel Seliger.

**4 Democrats Drew 2-Year Terms** – Wendy Davis, Kirk Watson, Royce West and John Whitmire.

**8 Republicans Drew 4-Year Terms** – Brian Birdwell, Robert Duncan, Kevin Eltife, Troy Fraser, Glenn Hegar, Jane Nelson, Larry Taylor and Tommy Williams.

**7 Democrats Drew 4-Year Terms** – Rodney Ellis, Juan "Chuy" Hinojosa, Eddie Lucio, Jr., Jose Rodriguez, Carlos Uresti, Leticia Van de Putte and Judith Zaffirini.

**1 Senate District is Vacant** – The Secretary of the Senate drew a 4-year term for the winner of the January 26, 2013 special election in Senate District 6.

**Senate Committee Assignments** - Lt. Governor David Dewhurst announced Senate Committee assignments. He said, "Texas is the number one state in America to do business, with the fastest growing population, and thank goodness we have such talented state Senators helping to maintain Texas' prosperity. During this session, we will be focused on balancing the budget without raising taxes, improving public education and increasing highway capacity and drinking water resources for our growing population. I know that our Senators are up to the challenge to keep Texas number one for decades to come." Lt. Governor Dewhurst shuffled committee chairs in October of 2012, and at that time also appointed new chairs to committees whose chairs did not seek re-election or were defeated in the Primary elections. Those chairs all stayed the same. One new subcommittee was appointed - Glenn Hegar (R-Katy) will chair a new **Subcommittee to Review State and Local Revenue Matters** within the Senate Finance Committee. Senate Committee Chairs are: **Administration:** Kevin Eltife (R-Tyler)

**Agriculture, Rural Affairs & Homeland Security:** Craig Estes (R-Wichita Falls)

**Business & Commerce:** John Carona (R-Dallas)

**Criminal Justice:** John Whitmire (D-Houston)

**Economic Development:** Bob Deuell (R-Greenville)

**Education:** Dan Patrick (R-Houston)

**Finance:** Tommy Williams (R-The Woodlands)

**Government Organization:** Judith Zaffirini (D-Laredo)

**Health & Human Services:** Jane Nelson (R-Flower Mound)

**Higher Education:** Kel Seliger (R-Amarillo)

**Intergovernmental Relations:** Juan "Chuy" Hinojosa (D-McAllen)

**Jurisprudence:** Royce West (D-Dallas)

**Natural Resources:** Troy Fraser (R-Horseshoe Bay)

**Nominations:** Glenn Hegar (R-Katy)

**Open Government:** Rodney Ellis (D-Houston)

**State Affairs:** Robert Duncan (R-Lubbock)

**Transportation:** Robert Nichols (R-Nacogdoches)

**Veterans Affairs & Military Installations:** Leticia Van de Putte (D-San Antonio)

The Senate adjourned until Monday, January 28, 2013 at 2:00p.m.

**Next Week:** The **Senate Administration Committee** will meet upon adjournment of the Senate on Monday at Chairman Kevin Eltife's desk to take up and presumably vote out the "**blocker bills**" SB 234 and SJR 21 so that they will be at the top of the Senate's regular order of business. That will trigger the two-thirds rule requiring two-thirds of the members present to bring up legislation outside the regular order of business.

**HOUSE** – The House met on Wednesday and Thursday of this week conducting routine business. They adjourned until 9:30a.m. on Tuesday, January 29, 2013.

**BUDGET** – The **Senate Finance Committee** met on Wednesday, Thursday, and Friday this week. Chairman Tommy Williams announced that the full committee will take testimony on the entire budget, which is expected to take until mid-February. Then, the committee will split into subcommittees to work out specifics

on the budget. On Wednesday, the committee heard about the state's fiscal outlook from John Heleman, the state's Chief Revenue Estimator. They also heard from several Legislative Budget Board staff members who discussed the budget recommendations contained in SB 1. Texas Education Commissioner Michael Williams talked about public education funding, and Raymund Paredes, Commissioner of Higher Education, discussed higher education and student aid needs.

**Education Commissioner Michael Williams** - Several Senate Finance Committee members asked Commissioner Williams about the need to reinstate the over \$5 billion in cuts made to public education last session. He responded, "There are any number of great programs that the state was funding. But we are in the midst of litigation at this moment, and I think it is more prudent to wait and make a determination of what the court is going to direct us to do before we begin to restore dollars or add new dollars. Whatever funding we look at – whether it is adding more compensatory education money or additional money for teachers – the more prudent action is to wait at this point."

**Senate Finance Committee** - On Thursday, the Senate Finance Committee took testimony on the educational retirement systems, community colleges, and Texas State Technical College institutions. On Friday's agenda was the Texas State University, Texas Tech University, University of Houston, and University of North Texas systems and their component institutions.

**Economic Stabilization Fund** - On Thursday, Representative Donna Howard filed **HB 652**, which she said "ensures that the needed infrastructure funding touted by the state's leadership will not hit a technical snag." HB 652 would clarify provisions in the Economic Stabilization Fund to restate in statute that appropriations from the ESF are not counted against the state's spending cap. Representative Howard said, "This bill will clarify the intent of the ESF; namely, the constitutionally created ESF is a 'special fund' dedicated toward offsetting revenue shortfalls and, therefore, does not fall within the definition of funds to be counted toward the spending limit, i.e. 'state tax revenues not dedicated by the constitution.' This allows the legislature to actually appropriate monies from this fund as originally intended within the constitutional constraints imposed on such appropriations by voting thresholds specified in the constitution. HB 652 would ensure that proposals such as those listed as priorities by Speaker Joe Straus and Lt. Governor David Dewhurst — including water and transportation infrastructure — are able to occur without restricting the appropriations of the General Revenue Fund."

**Next Week:** The **Senate Finance Committee** will meet in E1.036 of the capitol extension:

**Monday, January 28, 2013** at 10:00 a.m. to take up Texas A&M and University of Texas Systems and their component institutions, Midwestern State University, Texas Southern University, and Texas Women's University;

**Tuesday, January 29, 2013** at 9:00 a.m. to take up health science centers and A&M System agencies;

**Wednesday, January 30, 2013** at 9:00 a.m. to take up Article 1 General Government agencies and Article VI Natural Resources agencies; and

**Thursday, January 31, 2013** at 9:00 a.m. to take up Article V Public Safety and Criminal Justice agencies.

**ENVIRONMENT** – On Tuesday, Senator Troy Fraser (R-Horseshoe Bay) filed three bills to allow Texas to meet future water needs that come from continued growth. Senator Fraser said, "We must keep up with the population growth and the resulting increased demand on our state's limited water supply. We need to start planning for that growth so that people continue moving to Texas. The population of the state is expected to almost double in 50 years. The demand for water is expected to reach 21.6 million acre feet by 2060, up 27% from 2000 while existing water supplies – including surface water, groundwater and reused water - are projected to decrease about 10% by 2060. Compounding the increased demand, most of our state has been facing a severe drought since 2011. These bills present a three pronged attack to tackle the state's water needs. The bills would provide a \$2 billion infusion of funding, restructure the Texas Water Development Board, and authorize local entities to form regional partnerships to solve regional water needs. We need to enhance existing water resources and promote water conservation measures across the state. I think this package of bills will help the state and local entities to not only create new water but to work harder to reuse and conserve the water we already have." The bills include:

**SB 4** would create the **State Water Implementation Fund of Texas (SWIFT)** to provide a revolving fund to finance projects in the state water plan. At least 10% of the financing would be set aside for water conservation or reuse projects and another 10 percent would be set aside for projects in rural Texas. It would reorganize the Texas Water Development Board and require it to prioritize projects in each regional planning area. **SB 22** would make a one-time allocation of \$2 billion from the Economic Stabilization Fund to capitalize the SWIFT. **SB 235** would statutorily authorize local governments to form regional authorities to finance water projects.

**Revolving Loans for Water Projects** - Senator Kel Seliger (R-Amarillo) also filed legislation to fund the state's water plan: **SB 224** would fund the state water plan by making \$1.6 billion from the economic stabilization fund available for use by the Texas Water Development Board. Senator Seliger said, "Through a revolving loan, \$1.6 billion meets the state's obligation of \$26.9 billion in 30 years. The revolving loan method of finance allows the Texas Water Development Board to remove the agency's debt from the constitutional debt limit in addition to eliminating the need for any General Revenue. In 50 years, the Texas Water Development Board will be able to provide more than \$40 billion in assistance to local water providers."

**State Websites** - Additional information can be obtained via the Senate, House, and capitol websites:

[www.senate.state.tx.us](http://www.senate.state.tx.us)

[www.house.state.tx.us](http://www.house.state.tx.us)

[www.capitol.state.tx.us](http://www.capitol.state.tx.us)

Dorothy Wing, Consultant updated the committee on the Grants Management Tracking System.

## **FUTURE AGENDA ITEMS**

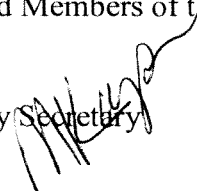


Chairman Scarth asked for Chief Halstead to make a presentation on mandatory dog training for police officers at the next Pre-Council meeting.

There being no further business, the Committee adjourned at 12:00 p.m.



**TO:** Chairman Scarth and Members of the Legislative and Intergovernmental Affairs Committee

**FROM:** Mary J. Kayser, City Secretary 

**DATE:** March 5, 2013

**SUBJECT: APPOINTMENT TO THE ANIMAL SHELTER ADVISORY COMMITTEE**

The following new appointment to the Animal Shelter Advisory Committee is provided for your consideration. Term will expire on October 1, 2014:

- Dr. Tim Morton to Place 2 (Licensed Veterinarian). Dr. Morton will replace Dr. Robert Norris who can no longer serve due to term limits.

The application is attached for your review.

**City Secretary's Office**

City of Fort Worth ★ 1000 Throckmorton Street ★ Fort Worth, Texas 76102  
(817) 392-6150 ★ FAX (817) 392-6196



## APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

Board or Commission Name: Animal Shelter Advisory Committee

Name:	<u>Morton</u>	<u>Tim</u>	
	(Last)	(First)	(Middle)
Home Address:			Home Phone:
Mailing Address:		(Zip)	e-mail Address: <u>tim.morton@stcglad.net</u>
Employer:	<u>Family Pet Care</u>	(Zip)	
Address:			Business Phone:
Occupation/Position:	<u>Owner</u>	(Zip)	Fax Number:
Length of time as a Fort Worth resident. <u>15 yrs</u> I live in Council District # <u>4</u> Are you registered to vote in the of Fort Worth? <u>Y</u>			

- Do you, your spouse or your employers have business dealing with the City of Fort Worth that present a conflict of interest? No  
Describe: \_\_\_\_\_
- Recognizing that serving on a Board or Commission is often time consuming, most meet on a monthly basis, are you committed to attending all regularly scheduled meetings? Y
- Do you agree to complete all financial statements, if appointed to a Board or Commission that the law requires you to do so? Y

Describe any qualifications, expertise, or special interests that relate to your possible appointment.	
<u>Doctor of Veterinary Medicine from TAMU 1980</u>	
<u>Owner Veterinary Hospital for 14 yrs</u>	
<u>Director of 501c3 nonprofit Animal Rescue Organization, The Fresca Fund, Inc.</u>	
Applicant's Signature: <u>[Signature]</u>	Date: <u>1-31-13</u>

DO NOT WRITE IN SPACE BELOW. FOR CITY COUNCIL MEMBER, STAFF OR ORGANIZATION USE ONLY

Recommended by:	Date:
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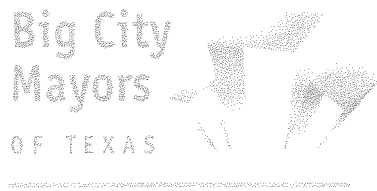
It is suggested that you submit a cover letter of introduction and a resume with your application. Please return them to the City Secretary's Office for processing.

The City of Fort Worth recognizes and supports the concept of balanced representation in regard to filling vacancies on Boards and Commissions. To this end, every effort is made to appoint members who represent Fort Worth's diverse community, including citizens of all ethnic groups as well as people with disabilities.

### \*\*\* ADA COMPLIANCE \*\*\*

Reasonable accommodations and equal access to communication are provided upon request.  
Return to: Office of the City Secretary, 1000 Throckmorton, Fort Worth, TX 76102  
Phone: (817) 871-6150 Fax: (817) 871-6196

fax (817) 561-3741



February 21, 2013

Honorable Rick Perry  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711

Honorable David Dewhurst  
Capitol Station  
P.O. Box 12068  
Austin, TX 78711

Honorable Joe Straus  
Room CAP 2W.13, Capitol  
P.O. Box 2910  
Austin, TX 78768

Dear Sirs,

As the mayors of seventeen of the largest cities in Texas, we write to respectfully urge each of you to be mindful of the health and success of Texas cities during the remainder of this important 2013 legislative session. Cities provide services that reflect the wishes of their residents. These services are essential to maintaining the quality of life residents expect and demand from their local government.

We believe three subject areas are vital in this regard:

**Water**

The prosperity of our cities, and the state, hinges on a dependable and affordable water supply. We are encouraged by the approach proposed by Chairman Troy Fraser and Chairman Allan Ritter to use a portion of the state's Rainy Day Fund to "seed" the funding of water development projects. Additionally, in order to make the highest and best use of the funding to be made available by the legislature, we ask for help in achieving regulatory certainty and establishing manageable timelines for permitting these vital water resource and infrastructure projects.

**Transportation**

Efficient and forward-thinking mobility options will set Texas apart from other states. To this end, we would encourage the Legislature to end non-transportation related diversions from dedicated transportation funds and to identify one or more new funding sources that will adequately provide for new transportation capacity. This investment will further enhance the quality of life that Texas citizens want and deserve.

**Local Control**

Finally, we wish to express our appreciation for the unique and successful model of state-local relations that exists in Texas. Unlike most states, Texas cities get very little in the way of financial aid from state government. Instead, we receive something far more important: broad local authority to provide for the needs of citizens, especially police, fire, streets, parks, and libraries. This model of limited aid/strong local authority is the envy of mayors in other states, but it can only succeed if we don't couple it with costly unfunded mandates or restrictive caps that limit that ability to be responsive to our citizens.

As the mayors of a substantial portion of the state's population, we pledge to work with you to make Texas an even greater state than it currently is. Cities are the incubators of economic growth and prosperity, and our greatest partner in this can be a state government dedicated to essential infrastructure and a respect for local control. This partnership will create a lasting legacy to future generations of Texas citizens and make Texas a place everyone will be proud to call home.

Sincerely,

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Paul Harpole  
Mayor, Amarillo

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Robert Cluck  
Mayor, Arlington

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Lee Leffingwell  
Mayor, Austin

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Nelda Martinez  
Mayor, Corpus Christi

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Mike Rawlings  
Mayor, Dallas

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Mark Burroughs  
Mayor, Denton

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John Cook  
Mayor, El Paso

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Betsy Price  
Mayor, Fort Worth

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Ronald Jones  
Mayor, Garland

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Charles England  
Mayor, Grand Prairie

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Annise Parker  
Mayor, Houston

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Beth Van Duyne  
Mayor, Irving

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Raul Salinas  
Mayor, Laredo

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Glen Robertson  
Mayor, Lubbock

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Phil Dyer  
Mayor, Plano

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Julian Castro  
Mayor, San Antonio

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James Thompson  
Mayor, Sugar Land



February 15, 2013

Dear DFWA Congressional Delegation:

As the fourth-largest Metropolitan Statistical Area in the nation and the host of numerous special events of national importance, the North Texas region faces some of the highest threats and risk in the county. The Urban Area Security Initiative (UASI) program is currently the only homeland security grant program that provides for strategic planning and investment against acts of terrorism at the regional level. As a Tier 1 funding recipient, the Dallas/Fort Worth/Arlington Urban Area (DFWA) appreciates your support for this vital program to our region. In light of the significant decrease to UASI funding in recent years, we respectfully request your support to preserve the DFWA Area as a Tier 1 funding recipient and sustain current funding levels for the region in FY 2013 and beyond.

Thanks largely to UASI, law enforcement officials in our region have identified and thwarted several major terrorist threats in the last few years. Specifically, UASI has provided first responders in our region with new and upgraded public safety equipment, additional and increased training, new staff and new regional response teams. The direct partnership of the cities of Dallas, Fort Worth and Arlington over the past nine years has united the numerous public safety agencies in our region and greatly benefited our first responders and the entire North Texas region.

The region's ability to sustain and preserve the capabilities developed over the past decade has been jeopardized as funding for the program has dramatically decreased since 2010. DFWA's allocation of UASI funding has been cut by more than half and many of the investments have become too expensive to preserve without federal funding. We are afraid the funding cuts will reverse the progress we have worked so hard to achieve. It is imperative for us to safeguard and sustain our current levels of first response capabilities as threats and risks to our region increase. We fear that a lapse in UASI funding would make it difficult, if not impossible, to maintain our anti-terrorism capabilities and programs.

The Dallas/Fort Worth/Arlington Urban Area is a testament that the UASI program works well and fosters regional cooperation. We urge your support in continuing recognition of the Dallas/Fort Worth/Arlington Urban Area as a Tier 1 funding recipient

within the UASI program and maintaining current funding levels under the FY 2013 homeland security grant funds.

Sincerely,



Michael S. Pawlings  
Mayor  
City of Dallas



Betsy Price  
Mayor  
City of Fort Worth



Robert Cluck  
Mayor  
City of Arlington

February 15, 2013

The Honorable Allan Ritter  
Chairman, House Committee on Natural Resources  
Texas House  
P.O. Box 12068  
Capitol Station  
Austin, Texas 78711

Dear Chairman Ritter,

I write you today on the Committee's H.B. 4, State Water Plan Funding that is being considered for funding. We strongly agree that the best way to meet the water needs of the people of Fort Worth and Texas is to provide local entities financing for needed water projects that are deemed eligible by Texas Water Development Board (TWDB).

According to certain projections in the 2012 State Water Plan, the next several decades will see a substantial decrease in water supplies in Texas along with a sharp increase in demand. The state water plan has identified projects that will help avoid catastrophic conditions in time of drought around the state. The increasing costs for local water providers, the capital-intensive investment required to implement large-scale water supply projects, and the financial constraints on some communities necessitate a dedicated source of funding to assist in developing those projects.

Specifically, the City of Fort Worth stands in support of H.B. 4, which creates the State Water Implementation Fund of Texas (SWIFT), a fund independent of the state treasury, to allow for funding the State Water Plan projects. The bill also calls for an advisory committee to make recommendations on how the money is used, which we support.

Although the current proposal focuses on providing funding from the Economic Stabilization Fund, there have been discussions on tap fees, which would have been assessed by water and wastewater utilities. I want to express my concern should there be any reconsideration of this approach. The City of Fort Worth believes that funding the state water plan should be done in a manner equitable to all citizens of Texas. Utility billing networks do not reach all citizens who may subsequently benefit from projects in the plan. Further, rate-payers in many of these cities have already experienced rate increases for essential water and wastewater projects. There is a fear that a tap fee assessment could be used to fund projects in parts of the state that have not planned as well as others, which would be an unfair and inequitable assessment to many.

In closing please allow me to reiterate that the City of Fort Worth is in support to fund the 2012 State Water plan. The financing of the plan would avoid the loss to Texas businesses and workers as well as loss of state and local business taxes associated with commerce. If the record drought conditions recur and water management strategies identified in the regional water plans are not implemented, the state and local governments could suffer significant economic losses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Betsy Price', with a long horizontal flourish extending to the right.

Betsy Price  
Mayor





February 6, 2013

The Honorable David Dewhurst  
Lt. Governor's Office  
P.O. Box 12068  
Austin, Texas 78711

Dear Lt. Governor Dewhurst:

As you know, there are currently proposals to reduce the maximum allowable increase when calculating the rollback rate from 8% to 5% in several bills before the Legislature, and specifically in SB144. Unfortunately, such proposals only serve to limit local control and reduce a city's ability to adjust to changing conditions and/or respond to emergencies.

For the past two years, I've had the privilege of serving as mayor of Fort Worth, one of the fastest growing large cities in the country. People are flocking to Fort Worth and other Texas cities thanks to the abundance of good-paying jobs, great quality of life and quality city services.

In the face of significant growth, cities across Texas are struggling to generate the revenue needed to support infrastructure, public safety, water and other essential city services. If the State were to reduce the flexibility available to cities to react to ever-changing circumstances, the struggle would then be compounded. In addition to the ability to respond, cities must also be accountable to their residents for the monies collected – a fact we embrace in Fort Worth. We believe in making the most of every tax dollar in the delivery of essential services for the people we serve. Fort Worth has made some difficult budget decisions, and we've made significant strides to become more efficient. Ultimately, we, as local elected officials, are accountable to the citizens of our communities.

The City of Fort Worth respectfully, but strongly, opposes any legislation to limit local control and trump local accountability by reducing rollback rates. The City Council, the city staff and I stand ready to provide you any additional information you need to understand the significant negative impact of such proposals.

Thank you for your service to the citizens of Fort Worth and the State of Texas.

Sincerely,



Betsy Price  
Mayor



**BETSY PRICE, MAYOR**

THE CITY OF FORT WORTH ★ 1000 THROCKMORTON STREET ★ FORT WORTH, TEXAS 76102  
817-392-6118 ★ FAX 817-392-2409



February 19, 2013

State Representative Drew Darby, Chairman  
House Committee of Appropriations  
Texas House of Representatives  
Sub Committee on Article VI, VII and VIII  
Austin, Texas 78701

Dear Representative Darby and Members of the House Appropriations Committee:

Because the citizens of Fort Worth place great value on their parks and active living, the City of Fort Worth strongly supports funding requests of the Parks and Wildlife Department, which ensures not only an excellent state park system, but also good local parks.

Specifically, the City of Fort Worth supports fully restoring funding for Local Parks Grant Programs in the Texas Parks and Wildlife budget. The revenue for this program will be raised by restoring the sporting goods sale tax, as set out in Section 151.80 of the state statute. By restoring this funding, cities like Fort Worth can leverage other resources to acquire new park land, make improvement to existing parks and develop other recreational facilities.

Fort Worth has excellent reputation for leveraging grants from the State Local Parks Fund:

- \$1 million in Local Park Grant funds leveraged \$2.2 million from local bond funds, gas well revenues, the Tarrant Regional Water District and Streams and Valleys to build five parks along the Marine Creek Corridor in north Fort Worth.
- \$1 million in Local Park Grant funds leveraged \$3.6 million in local bond funds, gas well revenues and residential developers' fees to construct the Southwest Fort Worth Chisholm Trail Community Center, the city's newest activity and wellness facility.
- \$1 million in Local Park Grant funds leveraged \$7 million in local park dedication development fees to acquire 245 acres for Phase 1 of the city's newest community park in northwest Fort Worth.

In accepting state funding, Fort Worth commits to maintain the related park land in perpetuity. By restoring and funding the Local Parks Grant Programs, the sporting goods sales tax dollars pay huge dividends to not only to the state but also to Fort Worth and other communities throughout Texas.

We urge the committee to restore and fund the Local Parks Grant Fund.

Sincerely,



Betsy Price  
Mayor



**BETSY PRICE, MAYOR**

THE CITY OF FORT WORTH • 1000 THROCKMORTON STREET • FORT WORTH, TEXAS 76102  
817-392-6118 • FAX 817-392-2409



*Updated February 28, 2013*

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

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**March 5, 2013**      **Monthly Zoning Meeting**

***10:00 a.m. Legislative and Intergovernmental Affairs Committee  
Housing and Economic Development Committee (cancelled)  
3:00 p.m. Pre-Council Meeting***

**Continued Items:**

- **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 29, 2013 by Council Member Espino**)
- **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 February 5, 2013 by Council Member Espino**)
- o Overview on Significant Zoning Cases [*Dana Burghdoff, Planning and Development*]
- o Proposed Revisions to Ordinance Related to Farmers Markets [*Brandon Bennett, Code Compliance*]
- o Briefing on Proposed Cotton Belt Rail Improvement District [*Bryan Beck, Planning and Development*]
- o Briefing on Strategic Review of City Departments [*Fernando Costa and Susan Alanis, City Manager's Office*]
- o Legislative Update [*Charles Daniels, City Manager's Office*]

**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***

- o Legislative Update [*Charles Daniels, City Manager's Office*]
- o Quarterly Financial Update [*Horatio Porter, Chief Financial Officer and Douglas Wiersig, Transportation and Public Works*]



*Updated February 28, 2013*

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

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**March 26, 2013**

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

***2:00 p.m. Audit Committee (Pre-Council Chamber)***

- o Legislative Update *[Charles Daniels, City Manager's Office]*

**April 2, 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]*
- o Briefing on Capital Improvements and Related Land Use Changes *[Randle Harwood, Planning and Development]*
- o Legislative Update *[Charles Daniels, City Manager's Office]*

**April 9, 2013**

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

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

- o Update on Future Projects within Tarrant County *[Commissioner Gary Fickes, County Commissioner]*
- o Legislative Update *[Charles Daniels, City Manager's Office]*

**April 16, 2013**

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

- o Update on Trinity River Vision Project and Gateway Park *[Mark Rauscher, Planning and Development and J.D. Granger, Trinity River Vision]*
- o Legislative Update *[Charles Daniels, City Manager's Office]*



*Updated February 28, 2013*

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

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**April 23, 2013**

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

- o Legislative Update *[Charles Daniels, City Manager's Office]*

**April 30, 2013**

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

***10:00 a.m. Audit Committee (Pre-Council Chamber)***

**May 7, 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]*
- o Legislative Update *[Charles Daniels, City Manager's Office]*

**May 14, 2013**

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

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

- o Legislative Update *[Charles Daniels, City Manager's Office]*

**May 16, 2013 *(Thursday)***

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



*Updated February 28, 2013*

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

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**May 21, 2013**

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

- o Legislative Update *[Charles Daniels, City Manager's Office]*

**May 28, 2013**

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

***10:00 a.m. Audit Committee (Pre-Council Chamber)***



## City Council Meeting of February 19, 2013 Staff Action Tracking

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Item #1	City Auditor	
Due Date:	March 19, 2013	Council District: 6
Staff Action:	Staff to provide Council a memo on the recruitment process for the City Auditor.	
Responsibility:	Karen Marshall (Human Resources)	

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**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 19, 2013**

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**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 10:07 a.m., on Tuesday, February 19, 2013, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**II. INVOCATION - Dr. Michael Dean, Travis Avenue Baptist Church**

The invocation was provided by Dr. Michael Dean, Travis Avenue Baptist Church.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. [CONSIDERATION OF MINUTES OF REGULAR MEETING OF FEBRUARY 12, 2013](#)**

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that the Minutes of the Regular meeting of February 12, 2013, be approved. The motion carried unanimously 9 ayes to 0 nays.

**V. [ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA](#)**

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



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

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

**VII. CONSENT AGENDA**

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

**A. General - Consent Items**

1. **M&C G-17809 - Adopt Amended Citizen Participation Plan for the City's Consolidated Plan, in Accordance with United States Department of Housing and Urban Development Guidelines (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Adopt an amended Citizen Participation Plan for the City's Consolidated Plan, in accordance with the United States Department of Housing and Urban Development Guidelines.

2. **M&C G-17810 - Authorize Submission of a Letter of No Objection to the U.S. Foreign-Trade Zones Board to Allow for Foreign-Trade Zone Activation at the Maruyama U.S., Inc., Facility Located at 4770 Mercantile Drive, Suite 100 (COUNCIL DISTRICT 4)**

The City Council approved the following recommendation: Authorize the City Manager to submit a Letter of No Objection to the U.S. Foreign-Trade Zones Board allowing for Foreign Trade Zone activation at the Maruyama U.S., Inc., facility located at 4770 Mercantile Drive, Suite 100.

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

1. **M&C P-11492 - Authorize Purchase Agreements with Lawn Patrol Service, Inc., Scott Landscape Maintenance, Inc., and Somerset Landscape and Maintenance, Inc., to Provide Grounds Maintenance and Mowing Services for City Departments in a Combined Amount Up to \$1,320,893.25 for the First Year (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the purchase agreements with Lawn Patrol Service, Inc., Scott Landscape Maintenance, Inc., and Somerset Landscape and Maintenance, Inc., to provide grounds maintenance and mowing services for City Departments in a combined amount up to \$1,320,893.25 for the first year.

**C. Land - Consent Items**

1. **M&C L-15517 - Authorize Sale of Seventeen Tax-Foreclosed Properties Described in Exhibit A in the Amount of \$77,360.00, 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 and 8)**

The City Council approved the following recommendation: Authorize the sale of seventeen tax-foreclosed properties in the amount of \$77,360.00, in accordance with Section 272.001 of the Texas Local Government Code and Section 34.05 of the Texas Tax Property Code; and authorize the execution and recording of the appropriate instruments conveying the properties to complete the sale.

2. **M&C L-15518 - Authorize Acquisition of a Fee Simple Interest in 0.1239 Acres in an Improved Lot for the Lebow Channel Drainage Improvements Project Located at 3453 Lebow Street from Tom Wittrock in the Amount of \$70,000.00, Pay Estimated Closing Costs Up to \$4,000.00 for a Total Cost of \$74,000.00 and Authorize Payment of Relocation Assistance Estimated in the Amount of \$40,000.00 (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the acquisition of a fee simple interest in 0.1239 acres in an improved lot located at 3453 Lebow Street, described as Lot 15, Block 17, Dixie Wagon Mfg. Co Addition, Fort Worth, Texas, from Tom Wittrock; find that the total purchase price in the amount of \$70,000.00 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 \$40,000.00.

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

1. **M&C C-26101 - Adopt Resolution Supporting the 2013 Housing Tax Credit Application for the Reserve at McAlister, a Proposed Senior Multifamily Development to be Located North of McAlister Road, South of FM 1187 and West of Interstate Highway 35 South, and Authorize Waiver of Certain Development Fees (COUNCIL DISTRICT 6)**

The City Council approved the following recommendation: Adopt Resolution No. 4182-02-2013 supporting a 2013 Housing Tax Credit application to the Texas Department of Housing and Community Affairs for the Reserve at McAlister, a proposed senior multifamily development to be located north of McAlister Road, south of FM 1187 and west of Interstate Highway 35 South; authorize the waiver of the following City fees that would otherwise be charged to the developers: (i) all building permit, plan review, inspection, and re-inspection fees, (ii) all zoning

fees, (iii) all temporary encroachment fees, (iv) all platting fees, and (v) all fire, sprinkler and alarm permit fees; and find that the waiver of such fees serves the public purpose of supporting economic development and benefitting low-to-moderate income elderly citizens by providing them with quality, affordable, accessible housing.

2. **M&C C-26102 - Authorize Payment to the Texas Department of Transportation in the Amount of \$53,841.21 for Utility Relocations in Association with the Construction of East Rosedale Street from Interstate Highway 35W to United States Highway 287 (COUNCIL DISTRICT 8)**

The City Council approved the following recommendation: Authorize a payment to the Texas Department of Transportation in the amount of \$53,841.21 for utility relocations in association with the construction of East Rosedale Street from Interstate Highway 35W to United States Highway 287.

3. **M&C C-26103 - Authorize Execution of a Contract with Durable Specialties, Inc., in the Amount of \$378,000.00 for the Construction of Streetlight Improvements for Golden Triangle Boulevard from Interstate Highway 35W to Katy Road and Provide for Contingencies, City Furnished Materials and Construction Services for a Project Total in the Amount of \$579,000.00 (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the execution of a contract with Durable Specialties, Inc., in the amount of \$378,000.00 for the construction of streetlight improvements for Golden Triangle Boulevard from Interstate Highway 35W to Katy Road and provide for contingencies, City furnished materials and construction services for a project total in the amount of \$579,000.00.

4. **M&C C-26104 - Authorize Execution of a Contract with McClendon Construction Company, Inc., in the Amount of \$725,092.10 for the Construction of Pennsylvania Avenue from Tenth Street to West Cannon Street and Provide for Contingencies and Construction Services for a Project Total in the Amount of \$968,911.10 (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize the execution of a contract with McClendon Construction Company, Inc., in the amount of \$725,092.10 for the construction of Pennsylvania Avenue from Tenth Street to West Cannon Street and provide for contingencies and construction services for a project total in the amount of \$968,911.10.

5. **M&C C-26105 - Authorize Execution of a Stormwater Facility Maintenance Agreement with Northwest Pipe Company for Property Located at Longhorn Road, A.F. Albright Survey, Abstract No. 1849 at no Expense to the City (COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Authorize the execution of a stormwater facility maintenance agreement with Northwest Pipe Company for property located at Longhorn Road, A.F. Albright Survey, Abstract No. 1849, at no expense to the City.

6. **M&C C-26106 - Authorize Execution of an Engineering Design Agreement with Criado and Associates, Inc., in the Amount Not to Exceed \$53,000.00 to Design Bicycle Lanes on Segments of Park Vista Boulevard, Parkwood Hill Boulevard, and Redwood Trail and the Addition of Three Pedestrian Crossings Across Park Vista Boulevard (COUNCIL DISTRICT 4)**

The City Council approved the following recommendation: Authorize the execution of an engineering design agreement with Criado and Associates, Inc., in the amount not to exceed \$53,000.00 to design bicycle lanes along segments of Park Vista Boulevard, Parkwood Hill Boulevard, Redwood Trail, and the addition of three pedestrian crossings on Park Vista Boulevard.

7. **M&C C-26107 - Authorize Execution of an Engineering Services Agreement with Kimley-Horn and Associates, Inc., in the Amount of \$200,000.00 for the Design of the Wagley Robertson Drainage Improvements Project (COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Authorize the execution of an Engineering Services Agreement with Kimley-Horn and Associates, Inc., in the amount of \$200,000.00 for the design of the Wagley Robertson Drainage Improvements Project.

8. **M&C C-26108 - Authorize Execution of a Professional Services Agreement with AECOM Technical Services, Inc., in the Amount of \$327,000.00 for a Flood Warning System Study (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a professional services agreement with AECOM Technical Services, Inc., in the amount of \$327,000.00 for a Flood Warning System Study.

9. **M&C C-26109 - Authorize Execution of a Memorandum of Understanding with the North Texas High Intensity Drug Trafficking Area Task Force for Participation in the Commercial Smuggling Squad, Accept Reimbursement of Overtime Expenses in the Amount Up to \$17,205.25 for Fiscal Year 2013 and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Memorandum of Understanding with the North Texas High Intensity Drug Trafficking Area Task Force for participation in the Commercial Smuggling Squad; authorize the acceptance of reimbursement of overtime expenses in the amount up to \$17,205.25 for an officer assigned to the Commercial Smuggling Squad for Fiscal Year 2013; and Adopt Appropriation Ordinance No. 20620-02-2013 increasing the estimated receipts and appropriations in the grants fund, upon execution of the agreement.

10. **M&C C-26110 - Authorize Execution of a Memorandum of Understanding Between the City of Fort Worth, the Texas A&M Forest Service, and the Regional Incident Management Team Members to Delineate Responsibilities and Procedures for Regional Incident Management Team Activities Under the Authority of the State of Texas Emergency Management Plan, Authorize Acceptance of Reimbursement Funds from the Texas A&M Forest Service in the Amount Up to \$51,000.00 and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Memorandum of Understanding between the City of Fort Worth, the Texas A&M Forest Service, and the Regional Incident Management Team members to delineate responsibilities and procedures for the Regional Incident Management Team activities under the authority of the State of Texas Emergency Management Plan; authorize the acceptance of reimbursement funds from the Texas A&M Forest Service in the amount up to \$51,000.00; and adopt Appropriation Ordinance No. 20621-02-2013 increasing the estimated receipts and appropriations in the grants fund, subject to reimbursement from Texas A&M Forest Service.

11. **M&C C-26111 - Authorize Execution of Amendment No. 8 to City Secretary Contract No. 40243 with Hahnfeld, Hoffer and Stanford in the Amount of \$85,505.00 Plus Up to \$2,365.00 in Reimbursable Expenses for Design Documents and Construction Administration Services to Renovate and Expand the General Terminal Building at Meacham International Airport (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the execution of Amendment No. 8 to City Secretary Contract No. 40243 with Hahnfeld, Hoffer and Stanford in the amount of \$85,505.00 plus up to \$2,365.00 in reimbursable expenses from appropriated funds, for additional design documents and construction administration services to renovate and expand the General Aviation Terminal Building at Meacham International Airport.

12. **M&C C-26112 - Authorize Execution of Amendment No. 1 to Federal Aviation Administration Lease No. DTFACN-11-L-00106 to Reflect the Current Leased Space and to Revise Equipment Descriptions for the Air Traffic Control Tower at Fort Worth Spinks Airport (COUNCIL DISTRICT 8)**

The City Council approved the following recommendation: Authorize the execution of Amendment No. 1 to Federal Aviation Administration Lease No. DTFACN-11-L-00106 to reflect the current leased space and to revise equipment descriptions for the Air Traffic Control Tower at Fort Worth Spinks Airport.

13. **M&C C-26113 - Authorize Execution of an Engineering Agreement with A.N.A. Consultants LLC., in the Amount of \$144,450.00 for Water and Sanitary Sewer Replacement Contract No. 2011, WSM-B on Western Avenue, Curzon Avenue, Lovell Avenue, Locke Avenue, and Two Alleyways, Provide for Project Management, Real Property Acquisition and Utility Coordination for a Project Total in the Amount of \$180,000.00 and Adopt Appropriation Ordinances (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize the transfer in the amount of \$180,000.00 from the Water and Sewer Operating Fund in the amount of \$104,444.00 to the Water Capital Projects Fund and the amount of \$75,556.00 to the Sewer Capital Projects Fund; Adopt Appropriation Ordinance No. 20622-02-2013 increasing the estimated receipts and appropriations in the Water Capital Projects Fund, from available funds, for the purpose of Water and Sanitary Sewer Replacement Contract 2011, WSM-B and Appropriation Ordinance No. 20623-02-2013 increasing the estimated receipts and appropriations in the Sewer Capital Projects Fund, from available funds for the same purpose stated above; and authorize the execution of an engineering agreement with A.N.A. Consultants, LLC., in the amount of \$144,450.00.

14. **M&C C-26114 - Authorize Provision of Water Service at 1.25 Times the Retail Rate to the Commercial Property Located at 2201 West Risinger Road in Tarrant County, Pursuant to City Code Section 35-60B, Uses Outside City (COUNCIL DISTRICT 6)**

The City Council approved the following recommendation: Authorize the Water Department to provide water service at 1.25 times the retail rate to commercial property located at 2201 West Risinger Road in Tarrant County, pursuant to City Code Section 35-60B, Uses Outside City; and authorize the execution of an agreement for such services.

15. **M&C C-26115 - Authorize Amendment of a Community Facilities Agreement, City Contract No. 44014, with Texas Christian University and Authorize City Participation in the Amount of \$161,895.00 for Construction of a Sixteen-Inch Water Main on Stadium Drive and Bellaire Drive North (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize the execution of an amendment to the Community Facilities Agreement with Texas Christian University for the City to participate in the amount of \$161,895.00 for the construction of a sixteen-inch water main on Stadium Drive and Bellaire Drive North to serve Texas Christian University and the surrounding area.

Mr. Michael Appleman, 2600 block of Highview Terrace, submitted a comment card in opposition to Mayor and Council Communication No. C-26115.

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

**1. OCS - 1878 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

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

**1. Presentation of Proclamation for Cowtown Marathon Weekend**

Council Member Shingleton presented the Proclamation for Cowtown Marathon Weekend to Ms. Heidi Swartz, Executive Director. He stated that The Cowtown, a non-profit organization promoting community health and wellness to North Texans of all fitness levels, was celebrating 35 years of running and offering an Adults 5K, Cook Children's 5K, 10K, Half Marathon, Marathon and Ultra Marathon. He further stated that The Cowtown welcomed runners and their families from around the world with over 48 states and 8 foreign countries being represented by participants who enjoyed the best aspects of Fort Worth. He pointed out that the staff and volunteers of The Cowtown worked diligently to encourage and facilitate the participation of school as well as community center teams from across the Metroplex in one of the country's largest youth races in the nation with The Cowtown C.A.L.F. program providing assistance to over 2,100 low income children including help in training, entry fees and running equipment and in January 2012, The Cowtown received national recognition as the Youth Event of the Year by Running U.S.A.

Ms. Swartz expressed appreciation to the Mayor and Council for the Proclamation and encouraged everyone to attend the event. Mayor Price stated this was an incredible event and encouraged everyone to participate in the event by volunteering or running or walking.

**2. Presentation of Checks by the Rotary Club of Fort Worth and Streams and Valleys, Inc., for a New Trailhead at Trinity Park to be Known as Rotary Plaza**

Mr. Tim Plocica, President - Elect, Rotary Club of Fort Worth, provided a brief overview and history of Rotary Park and presented the check from the Rotary Club of Fort Worth in the amount of \$100,000.00 for a new trailhead at Trinity Park to be known as Rotary Plaza, to Council Member Burns. He also read the names of the members of the Rotary Club of Fort Worth. He also expressed appreciation to Ms. Adalaide Leavans, Streams and Valleys, Inc., for her support of the project.

Ms. Valerie Yoakam Jay, Interim Executive Director, Streams and Valleys, Inc., presented the check from the Streams and Valleys, Inc., in the amount of \$10,000.00 for a new trailhead at Trinity Park to be known as Rotary Plaza, to Council Member Burns.

Council Member Burns expressed appreciation for the donations and stated the dedication ceremony would take place on February 22, 2013, at 11:00 a.m.

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

**1. Upcoming and Recent Events**

Council Member Moss announced that on February 24, 2013, from 3:30 p.m. to 5:30 p.m., the Center for Stop Six Heritage would host a program entitled Black History in the Making, Living the American Dream in honor of Black History Month. He added that the program would feature four men from the Stop Six community who overcame many conditions in their lives – Charles Daniels, Assistant City Manager, Rudy Jackson, Fire Chief, Horatio Porter, Chief Financial Officer, and William Johnson, Assistant Director, Housing and Economic Development. He stated the program would be held at the campus of the Dunbar Young Men's Leadership Academy, 5100 Willie Street.

Council Member Scarth announced that an Economic Development and Strategic Planning meeting would be held on February 22, 2013, from 8:30 a.m. to 12:00, at the UTA Research Institute.

Council Member Burns pointed out that the Rotary Plaza was a \$220,000.00 project including the donations from both the Rotary Club of Fort Worth and Streams and Valleys, Inc. He also announced that the Cowtown Marathon would be held February 23-24, 2013. He also advised that there would be a Health and Fitness Exposition held February 22-23, 2013, at the Will Rogers Memorial Complex. He also announced that the Fairmont Neighborhood would host a pancake breakfast on February 24, 2013, at 7:00 a.m., and the Mistletoe Heights would be serving breakfast burritos also on February 24, 2013, at 7:00 a.m., both in efforts to cheer on runners participating in the Cowtown Marathon.

Mayor Price announced that the State of the City Address would be held on March 5, 2013, at 11:30 a.m.

**2. Recognition of Citizens**

There were no citizens recognized at this time.

**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](#)**

Motion: Council Member Scarth made a motion, seconded by Council Member Jordan, that Joey Dixon be appointed to Place 4 on the Board of Adjustment - Residential effective February 19, 2013, with a term expiring on October 1, 2014, be approved. The motion carried unanimously 9 ayes to 0 nays.

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

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

**XIII. [ORDINANCE](#)**

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

Motion: Council Member Shingleton made a motion, seconded by Council Member Moss, that Ordinance No. 20624-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**XIV. REPORT OF THE CITY MANAGER**

**B. General**

**1. [M&C G-17811 - Authorize Acceptance of a Monetary Donation from Comerica Bank in the Amount of \\$5,680.00 to Cover the Costs Associated with a Public Engagement Initiative Including BikeFW, WalkFW and JavaFW to Increase Civic Participation, Increase Estimated Receipts and Appropriations in the Special Trust Fund and Adopt Appropriation Ordinance \(ALL COUNCIL DISTRICTS\)](#)**

It was recommended that the City Council authorize the acceptance of a monetary donation from Comerica Bank in the amount of \$5,680.00 to cover the costs associated with the public engagement initiative including BikeFW, WalkFW and JavaFW to increase civic participation; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund, subject to receipt of a monetary donation.

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Motion: Council Member Burns made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. G-17811 be approved with appreciation and Appropriation Ordinance No. 20625-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**2. M&C G-17812 - Adopt Ordinance Correcting Ordinance No. 20615-02-2013, in Order to Correct the Legal Description and Related Exhibits from Previously Approved Annexation Case AX-12-007 Involving the Enclave at Parkview Apartments Located at 7001 Old Decatur Road (COUNCIL DISTRICT 7)**

It was recommended that the City Council adopt an ordinance correcting Ordinance No. 20615-02-2013, declaring certain findings; providing for the extension of certain boundary limits of the City of Fort Worth; providing for the annexation of an approximately 9.2 acre tract of land situated in Tarrant County in the A. F. Albright Survey, Abstract Number 1849; situated about 7.9 miles north 25 degrees west of the Tarrant County Courthouse, Texas (Case No. AX-12-007), 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; and providing that the inhabitants thereof shall have all the privileges of all the citizens of Fort Worth, Texas; in order to reflect the correct legal description and exhibit attachments for previously approved annexation case AX-12-007 involving the Enclave at Parkview Apartments located at 7001 Old Decatur Road (M&C PZ-3014).

Motion: Council Member Shingleton made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. G-17812 be approved and Ordinance No. 20626-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**3. M&C G-17813 - Authorize Transfer in the Amount of \$1,530,000.00 in Unspent Bond Proceeds from the Parking Garage Capital Project Fund to the Parking Building Debt Service Fund to Cover Debt Service for the Houston Street Parking Garage and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)**

It was recommended that the City Council authorize transfer of unspent bond proceeds from the sale of Combination Tax and Parking Revenue Certificate of Obligation, Series 2007, in the amount of \$1,530,000.00 from the Parking Garage Capital Project Fund, P259, to the Parking Building Debt Service Fund, PE62, for debt service payments; and adopt an appropriation ordinance increasing the estimated receipts and appropriations in the Parking Building Debt Service Fund, from available funds, for the purpose of debt service payments.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication No. G-17813 be approved and Appropriation Ordinance No. 20627-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**4. M&C G-17814 - Authorize Waiver of Various City Fees in the Approximate Amount of \$30,000.00 Under an Economic Development Program for Development of a New Headquarters/Manufacturing Facility for Airbase Services Inc., Located at 4949 Amon Carter Boulevard in CentrePort Business Park (COUNCIL DISTRICT 5)**

It was recommended that the City Council authorize waiver of the following City fees that ordinarily would be charged in association with the development of a new headquarters/manufacturing facility for Airbase Services, Inc., located at 4949 Amon Carter Boulevard in CentrePort Business Park, through the date of issuance of a final certificate of occupancy: (i) all building permit, plan review, inspection, and re-inspection fees; (ii) all zoning fees; (iii) all temporary encroachment fees; (iv) all platting fees; and (v) all fire sprinkler and alarm permit fees; and find that the waiver of such fees constitutes an economic development program authorized by Section 380.001, Texas Local Government Code.

Motion: Council Member Moss made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. G-17814 be approved. The motion carried unanimously 9 ayes to 0 nays.

**5. M&C G-17815 - Rescind Mayor and Council Communications C-24945 and C-25372 and Authorize Execution of an Economic Development Program Agreement with GE Transportation or Any Affiliate for the Completion of a Locomotive Manufacturing Facility Located at 16201 Three Wide Drive and a Mining Equipment Manufacturing Facility Located at 16202 Three Wide Drive (COUNCIL DISTRICT 2)**

It was recommended that the City Council rescind Mayor and Council Communication No. C-24945, which authorized execution of a Tax Abatement Agreement with GE Transportation for a locomotive manufacturing facility located at 12850 Three Wide Drive, now known as 16201 Three Wide Drive; rescind Mayor and Council Communication No. C-25372, which authorized execution of a Tax Abatement Agreement with GE Transportation or any affiliate for a mining equipment manufacturing facility located at 16202 Three Wide Drive; and authorize the execution of a ten-year economic development program agreement with GE Transportation or any affiliate for completion of a locomotive manufacturing facility located at 16201 Three Wide Drive and a mining equipment manufacturing facility located at 16202 Three Wide Drive.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-17815 be approved. The motion carried unanimously 9 ayes to 0 nays.

**6. M&C G-17816 - Authorize Execution of Contracts in the Amount of \$800,000.00 Each with G.A. Miller Enterprise, Inc. d/b/a Glenn's Air Conditioning and Heating, IntegrityTexas Construction, LTD and GTO Construction in Order to Implement the Lead-Safe Program Grant (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council authorize the City Manager or his designee to authorize the execution of one (1) year contracts with G. A. Miller Enterprise, Inc., d/b/a Glenn's Air Conditioning and Heating, IntegrityTexas Construction, LTD, and GTO Construction for an amount up to \$800,000.00 each in order to implement the Lead-Safe Program under the Lead Hazard Control Grant; authorize the City Manager or his designee to extend or renew the contracts until the end of the grant term, if necessary, for the completion of grant activities; and authorize the City Manager or his designee to amend the contracts, if necessary, to achieve program goals provided that the amendment is within the scope of the grant and program and it is in compliance with City policies and applicable laws and regulations governing the use of federal grant funds.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-17816 be approved. The motion carried unanimously 9 ayes to 0 nays.

**7. M&C G-17817 - Approve Parks and Community Services Department's Fiscal Year 2013 Gas Related Revenue Project Expenditure Plan in the Amount of \$1,696,048.35 and Adopt Appropriation Ordinances (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council approve the Parks and Community Services Department's Fiscal Year 2013 Gas Related Revenue Project Expenditure Plan; adopt an appropriation ordinance increasing the estimated receipts and appropriations in the Park Gas Lease Project Fund in the amount of \$1,696,048.35, from gas related revenue, for the purpose of funding the Fiscal Year 2013 Gas Related Revenue Project Expenditure Plan including \$124,794.00 being transferred to the General Fund to offset costs for project oversight and administration.

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. G-17817 be approved and Appropriation Ordinance No. 20628-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**8. M&C G-17818 - Authorize Acceptance of a Donation from the Friends of the Fort Worth Nature Center & Refuge, Inc., for Improvements to the Nature Center & Refuge's Interpretive Signage Program Valued at \$25,000.00, Via a Grant from the Meta Alice Keith Bratten Foundation in Honor of William W. Meadows (COUNCIL DISTRICT 7)**

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It was recommended that the City Council authorize the acceptance of a donation from the Friends of the Fort Worth Nature Center & Refuge, Inc., for improvements to the Nature Center & Refuge's Interpretive Signage Program valued at \$25,000.00, via a grant from the Meta Alice Keith Bratten Foundation in honor of William H. Meadows.

Ms. Adelaide Leavens, Meta Alice Keith Bratten Foundation, appeared before Council and provided a brief overview of the foundation.

Mr. Richard Shepard, President, Friends of the Fort Worth Nature Center, 3216 Preston Hollow Road, appeared before Council in support of Mayor and Council Communication No. G-17818.

Motion: Council Member Shingleton made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. G-17818 be approved with appreciation. The motion carried unanimously 9 ayes to 0 nays.

**9. M&C G-17819 - Authorize Application for and Acceptance of, if Awarded, a Grant from the Texas State Library and Archives Commission in the Amount Up to \$75,000.00 for the Library Department's Year Round Reading Program, Authorize Execution of a Grant Agreement and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council authorize the application for and acceptance of, if awarded, a grant from the Texas State Library and Archives Commission for the Library Department's Year Round Reading Program, year September 1, 2013, through August 31, 2014, in the amount up to \$75,000.00; authorize the execution of a Grant Agreement with the Texas State Library and Archives Commission relating to the grant; and adopt an appropriation ordinance increasing the estimated receipts and appropriations in the Grants Fund, subject to receipt of a grant.

Motion: Council Member Moss made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. G-17819 be approved and Appropriation Ordinance No. 20629-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**F. Award of Contract**

**1. M&C C-26116 - Authorize a Third Two-Year Extension to the Interlocal Agreement Between the Dallas/Fort Worth International Airport Board and the City of Fort Worth to Provide Gas Well Inspector Service at Dallas/Fort Worth International Airport (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council authorize a third two-year extension to the Interlocal Agreement between the Dallas/Fort Worth International Airport Board and the City of Fort Worth to provide gas well inspector service at Dallas/Fort Worth International Airport.

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-26116 be approved. The motion carried unanimously 9 ayes to 0 nays.

**2. M&C C-26117 - Authorize Execution of a Contract with The Fain Group, Inc., in the Amount of \$1,227,222.50 for the Construction of Pedestrian and Streetscape Improvements in the Magnolia Urban Village on Hemphill Street Between Oleander Street and Allen Street, Authorize Acceptance of \$175,000.00 from the Southside Tax Increment Financing District No. 4 and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)**

It was recommended that the City Council authorize the execution of a contract with The Fain Group, Inc., in the amount of \$1,227,222.50 for construction of pedestrian and streetscape improvements in the Magnolia Urban Village on Hemphill Street between Oleander Street and Allen Street; authorize the acceptance of a \$175,000.00 contribution from the Southside Tax Increment Financing District No. 4, Southside TIF, for construction-related expenses; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Specially Funded Capital Project Fund, from available funds, for the purpose of funding construction related expenses.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication No. C-26117 be approved and Appropriation Ordinance No. 20630-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**3. M&C C-26118 - Authorize Submission of a Letter of No Objection to the U.S. Foreign-Trade Zones Board to Allow for Foreign-Trade Zone Activation at the Lasko Products, Inc., Facilities Located at 1700 Meacham Boulevard, 4925 Pylon Street, and 4600 Blue Mound Road, and Authorize Execution of an Economic Development Incentive Agreement, Payment in Lieu of Taxes, with Lasko Products, Inc. (COUNCIL DISTRICT 2)**

It was recommended that the City Council authorize the submission of a Letter of No Objection to the U.S. Foreign-Trade Zones Board allowing for Foreign-Trade Zone tax-exemption at three (3) facilities located at 1700 Meacham Boulevard, 4925 Pylon Street, and 4600 Blue Mound Road; and authorize the execution of a payment in lieu of taxes agreement with Lasko Products, Inc.

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Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-26118 be approved. The motion carried unanimously 9 ayes to 0 nays.

**4. M&C C-26119 - Adopt Resolution Authorizing the Execution of a Funding Agreement with the Texas Department of Transportation in the Amount of \$4,204,471.00 for Construction of the Riverside Bridge Over Fossil Creek and Adopt Appropriation Ordinance (COUNCIL DISTRICT 4)**

It was recommended that the City Council adopt a resolution authorizing the execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) in the amount of \$4,204,471.00 for construction of a four-lane Riverside Drive Bridge over Fossil Creek; authorize acceptance of State Regional Toll Revenue Grant Funds in the amount of \$3,363,577.00 via the TxDOT to be applied towards the project; authorize the transfer in the amount of \$840,894.00 from the Street Improvements 2008 Fund to the Grant Capital Projects Fund to be applied towards the City's match; and adopt an appropriation ordinance increasing the estimated receipts and appropriations in the Grant Capital Projects Fund in the amount of \$4,204,471.00, subject to receipt of funds for the project.

Motion: Council Member Scarth made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication No. C-26119 be approved and Resolution No. 4183-02-2013 and Appropriation Ordinance No. 20631-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**5. M&C C-26120 - Authorize Execution of a Contract with Conatser Construction TX, LP in the Amount of \$1,505,525.00 for Water and Sanitary Sewer Main Relocations on West Vickery Boulevard, South Jennings Avenue, Lipscomb Street and West Daggett Avenue, Provide for Project Costs and Contingencies for a Project Total of \$1,591,691.00 and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)**

It was recommended that the City Council authorize the transfer in the amount of \$1,654,691.00 from the Water and Sewer Fund in the amounts of \$556,309.00 to the Water Capital Projects Fund and \$1,098,382.00 to the Sewer 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 water and sanitary sewer main relocations on Vickery Boulevard, Jennings Avenue, Lipscomb Street and West Daggett Avenue and adopt an appropriation ordinance increasing the estimated receipts and appropriations in the Sewer Capital Projects Fund, from available funds for the same purpose as stated above; and authorize the execution of a contract with Conatser Construction TX, LP, in the amount of \$1,505,525.00.



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Motion: Council Member Burns made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-26120 be approved and Appropriation Ordinance Nos. 20632-02-2013 and 20633-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**6. M&C C-26121 - Authorize Execution of Contract with Conatser Construction TX, LP in the Amount of \$1,000,000.00 for Water Main Replacements Contract No. 2013B at Various Locations Throughout the City of Fort Worth, Provide for Project Costs and Contingencies for a Project Total in the Amount of \$1,149,300.00 and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council authorize the transfer in the amount of \$1,149,300.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund, from available funds, for the purpose of Water Main Replacement Contract 2013B; and authorize the execution of a contract with Conatser Construction TX, LP, in the amount of \$1,000,000.00 for the project.

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-26121 be approved and Appropriation Ordinance No. 20634-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**7. M&C C-26122 - Authorize Application for and Acceptance of, if Awarded, a Grant from the Texas Department of Agriculture in the Amount Up to \$800,500.00 for the 2013 Summer Food Service Program, Apply Indirect Costs at Approved Percentage Rate and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council authorize the application for and acceptance of, if awarded, a grant from the Texas Department of Agriculture in the amount up to \$800,500.00 for the 2013 Summer Food Service Program; apply an indirect cost rate of 19.18 percent, which is the most recently approved rate for the Department, and apply the newly approved indirect rate when available; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund, subject to receipt of a grant.

Motion: Council Member Shingleton made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-26122 be approved and Appropriation Ordinance No. 20635-02-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.



**XV. ZONING HEARING**

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 January 30, 2013.

**1. ZC-13-015 - (CD 5) - International House of Prayer/James Howard, 4104 Martin Street; from: "A-5" One-Family to: "E" Neighborhood Commercial (Recommended for Approval by the Zoning Commission)**

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket No. ZC-13-015 be approved. The motion carried unanimously 9 ayes to 0 nays.

**2. SP-13-001 - (CD 6) - Wal Mart Real Estate Business Trust, 7451 McCart Avenue; from: "PD-341" for Planned Development/Specific Use for all uses in "E" Neighborhood Commercial plus auto repair and outside storage/display including landscaping per submitted landscape plan; monument signs not to exceed 10 ft. high on McCart Avenue and 25 ft. high on Sycamore School Road; hours of delivery 6 am to 12 midnight, 10 inch curb height along rear delivery area and outside storage to be no higher than 12 ft. within the parking lot storage area as designated on the site plan; site plan required. to: Amend "PD-341" site plan to add structure (Recommended for Approval by the Zoning Commission)**

Motion: Council Member Jordan made a motion, seconded by Council Member Shingleton, that Zoning Docket No. SP-13-001 be approved. The motion carried unanimously 9 ayes to 0 nays.

**3. ZC-13-032 - (CD 6) - Railhead TX LP, 7701 Crowley Road; from: "PD-723" Planned Development/Specific Use for all uses in "E" Neighborhood Commercial plus mini-warehouses and excluding the following uses: tattoo and massage parlors, retail liquor stores, bar or lounge, hours of operation 8 am to 7 pm, electronically secured gate 7 am to 11 pm; site plan required to: "E" Neighborhood Commercial (Recommended for Approval by the Zoning Commission)**

Mr. Coy Quine, 301 South Sherman, Suite 100, Richardson, Texas 75081, appeared before Council in support of Mayor and Council Communication No. ZC-13-032. (displayed photographs)

Motion: Council Member Jordan made a motion, seconded by Council Member Shingleton, that Zoning Docket No. ZC-13-032 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 Jordan made a motion, seconded by Council Member Shingleton, that the hearing be closed and that Ordinance No. 20636-02-2013 be adopted. The motion carried 9 ayes to 0 nays.

## **XVI. PUBLIC HEARING**

### **1. Public Hearing at the Request of Lena Ellis per Chapter V, Section 3 of the City Charter**

Mayor Price stated: "Let the record reflect that the chair has acknowledged Ms. Ellis who is not present. However, we have received a written reply to the written statement by the City Manager of the reason for her removal. This reply was submitted in lieu of the public hearing. Per the City Charter, the statement of the City Manager and the reply of Ms. Ellis would be filed as a public record in the Office of the City Secretary."

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

## **XVII. CITIZEN PRESENTATIONS**

There were no Citizen Presentations.

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

## **XIX. ADJOURNMENT**

There being no further business, Mayor Price adjourned the regular meeting at 10:43 a.m.

**CITY OF FORT WORTH CITY COUNCIL AND  
FORT WORTH TRANSPORTATION AUTHORITY BOARD OF DIRECTORS  
CALLED-SPECIAL JOINT MEETING  
FEBRUARY 20, 2013**

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**Present:**

**Fort Worth City Council**

Mayor Betsy Price  
Mayor Pro tem W.B. "Zim" Zimmerman, District 3  
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

**Absent:**

Council Member Salvador Espino, District 2

**Staff Present:**

Tom Higgins, City Manager  
Sarah Fullenwider, City Attorney

**Fort Worth Transportation Authority Board of Directors**

Neftali Ortiz  
Scott Mahaffey  
Ken Newell  
Dennis Dunkins  
Jeff King  
Carter Burdette  
Andre McEwing  
Jeff Davis  
Sylvia Cervantes

**Fort Worth Staff Transportation Authority Board of Directors Staff Present:**

Richard Ruddell, President/Executive Director  
Sylvia Hartless, General Counsel

**CITY OF FORT WORTH CITY COUNCIL AND  
FORT WORTH TRANSPORTATION AUTHORITY BOARD OF DIRECTORS  
CALLED-SPECIAL JOINT MEETING  
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## **Welcome and Introductions**

With a quorum of both bodies present, Mayor Price called the joint meeting of the Fort Worth City Council and Fort Worth Transportation Authority Board of Directors to order at 2:09 p.m., on Wednesday, February 20, 2013, Fort Worth Convention Center, Room 200, 1201 Houston Street, Fort Worth, Texas 76102. All members present introduced themselves.

Mayor Price made opening comments and stressed the need for a multi-modal transportation system. She also stressed the importance of the transportation system and its importance to jobs and economic development. Mayor Price reiterated that the Transportation Board has the support of the City Council and that Bryan Beck will be the liaison to the Board from the Council and the City Manager's Office. He will serve as an advisor to the staff and work with Dick Ruddell and his staff. Mayor Price stated that the Council would like a report from the Board in 30 days with an update on tracking rights; funding and the rail vehicles.

## **Expectations and Goals for a Comprehensive Transportation System**

Council Member Jungus Jordan gave a presentation on the Expectations and Goals for a Comprehensive Transportation System in Fort Worth and the region. He started with some history of transportation in Fort Worth. He gave an update on the status of TEX Rail in the region. He stressed that we are building a seamless transportation system and the importance of a system plan. He outlined the expectations of the Council:

- TEX Rail Master Plan for the Western Segment of the regional transportation system
- Passenger/Commuter Rail service to the DFW International Airport no later than 2016
- Need for a Memorandum of Understanding with the Board for transparency, coordination and accountability
- Coordination between the City Council and the Transportation Board

## **Briefing on Memorandum of Understanding (MOU) between the City of Fort Worth and the T**

Denis McElroy, Law Department gave a briefing on the MOU. The MOU covers four basic elements:

### **On-going Review and Analysis**

Performance Audit once every four years  
Services review once every five years  
Financial Audit  
Contract justification

**CITY OF FORT WORTH CITY COUNCIL AND  
FORT WORTH TRANSPORTATION AUTHORITY BOARD OF DIRECTORS  
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**Engagement of the Public**

Public Hearings – Service Changes  
Public Hearings – Infrastructure Changes  
Referendum for long-term lease of financing arrangements that are secured by T assets

**Heightened Approval Requirements**

Super-Majority for Major Service Decisions

**Engagement of the Fort Worth City Council and other Member Jurisdictions**

Communications – notifications prior to making infrastructure or major service changes as well as provide the city with copies of proposed budget and the final approved budget and copies of performance and financial audits and responses and service evaluations.

**Comprehensive Report on TEX Rail**

Rob Harmon, TEX Rail Chief Financial Officer, The T presented a comprehensive report on TEX Rail.

**Project Overview and Status**

- Update on the New Starts grant and funding process
- Discussed the TEX Rail line, crossings, owners and updating the track
- Discussed the regional funding partners: Federal Government, State, North Central Texas Council of Governments, Cities of Fort Worth and Grapevine, DFW Airport, Tarrant County and future funding partners
- Reviewed Host Railroads and updated the status of the agreements with the railroads
- Diesel Multiple Unit update

**Plan Going Forward – update on the following elements that will lead to final design**

- Preliminary Engineering
- Environmental process
- Design-build Procurement
- New Starts process
- Corridor Access agreements
- Real estate acquisition
- System Safety and Security
- DMU Vehicle Procurement
- Positive Train Control

**CITY OF FORT WORTH CITY COUNCIL AND  
FORT WORTH TRANSPORTATION AUTHORITY BOARD OF DIRECTORS  
CALLED-SPECIAL JOINT MEETING  
FEBRUARY 20, 2013  
PAGE 4 of 4**

Mr. Harmon provided update on the upcoming project milestones. He also discussed Risk Assessment related to the TEX Rail project and how risks are managed and/or mitigated. He also stressed the importance of the partnership with the City of Fort Worth.

**Future Agenda Items**

Carter Burdette – Elect officers and get the Board Organized  
Joel Burns – Board is welcome to attend the Passenger Rail Working Group meetings  
Andre McEwing – Joint meetings between DART, DCTA and the FWTA  
Neftali Ortiz – Master map showing rail, roadways and bike lanes.

**Adjourn**

There being no further business, Mayor Price adjourned the joint meeting at 3:40 p.m.

**No Documents for this Section**

**No Documents for this Section**



**No Documents for this Section**

# A Resolution

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

## DESIGNATING SATURDAY, MARCH 23, 2013, FROM 8:30 P.M. TO 9:30 P.M. AS EARTH HOUR 2013 IN THE CITY OF FORT WORTH, TEXAS

**WHEREAS** volatile energy prices and increasingly scarce resources affect the lives of Fort Worth residents and the prosperity of local businesses; and

**WHEREAS** the City of Fort Worth has gained national recognition as a leader in sustainable energy conservation for its facilities; and

**WHEREAS** the City of Fort Worth participated in Earth Hour 2012 observances with over 7,000 cities and towns in more than 152 countries across all seven continents; and

**WHEREAS** communities around the world are planning to observe Earth Hour 2013 as an opportunity to raise awareness about energy consumption by symbolically turning off lights to the maximum extent practical on a voluntary basis during that hour; and

**WHEREAS** the City of Fort Worth is a participant in the Better Buildings Challenge which encourages local organizations to make their buildings 20% more energy-efficient by year 2020; and

**WHEREAS** Earth Hour participants can help demonstrate the impact that can be achieved by energy consumption awareness and will help promote the Fort Worth Better Buildings Challenge;

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

1. The City Council authorizes the City Manager to observe Earth Hour 2013 by turning off non-essential lights at municipal facilities to the maximum extent practical from 8:30 p.m. to 9:30 p.m. on Saturday, March 23, 2013; and
2. The City Council encourages local residents, businesses, institutions, and participants in Fort Worth's Better Buildings Challenge to participate in Earth Hour 2013; and
3. The City Council authorizes the City Manager to enroll the City of Fort Worth on the World Wildlife Fund website as a local coordinator of Earth Hour 2013 at no expense to the City.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

ATTEST:

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

Mary Kayser, City Secretary



## A Resolution

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

### **APPOINTING A WATER UTILITY TASK FORCE TO ADVISE THE CITY COUNCIL ABOUT THE CITY'S OPTIONS FOR PUBLIC/PRIVATE PARTNERSHIPS TO DELIVER WATER AND WASTEWATER SERVICES**

**WHEREAS** the City of Fort Worth Water Department provides drinking water, reclaimed water, and wastewater services to more than 1.1 million residents of the City of Fort Worth and surrounding communities; and

**WHEREAS** the City Council has an interest in optimizing utility operations, thereby reducing the costs paid by ratepayers for water and wastewater services; and

**WHEREAS** the City Council wishes to evaluate public/private partnership models for the delivery of municipal water and wastewater services to residential and commercial consumers while providing for the public health and safety of its citizens; and

**WHEREAS** the City Council wishes to appoint an ad hoc task force of community and industry leaders to advise the City Council about the City's options for utility management;

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

**Section 1.** The City Council hereby appoints a Water Utility Task Force to be comprised of nine members, as follows:

1. Bob Pence (Chair)
2. Lairy Johnson
3. Marty Leonard
4. Raul Pena
5. Bob Riley
6. Vernell Sturns
7. Sarah Walls
8. Libby Watson
9. Jeff Wentworth



**Section 2.** The City Council requests that the Water Utility Task Force determine the feasibility and desirability of pursuing public/private partnerships that may result in lower costs for utility customers and that may add value for City ratepayers and municipal government; identify alternatives for the management and operation of the City's water and wastewater systems; assess the legal and fiscal implications of public/private partnerships; and provide the City Council with appropriate recommendations.

**Section 3.** The City Council requests that the City Manager provide the Water Utility Task Force with appropriate staff support and external consulting services to fulfill its mission as set forth in Section 2.

**Section 4.** The Water Utility Task Force shall be dissolved upon the completion of its duties as set forth in Section 2, but not later than December 31, 2013.

Adopted this 5<sup>th</sup> day of March, 2013.

ATTEST:

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

Mary J. Kayser, City Secretary



# A Resolution

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

## **AUTHORIZING THE CITY MANAGER TO INITIATE THE CREATION OF COMPATIBLE USE ZONE OVERLAYS NORTH AND SOUTH OF THE NAVAL AIR STATION FORT WORTH JOINT RESERVE BASE**

**WHEREAS** the Naval Air Station Fort Worth Joint Reserve Base (NASJRB) serves a vital role in the economy of the City of Fort Worth and the region as well as in the defense of the Nation;

**WHEREAS** in 2007 the City Council adopted Resolution 3546-10-2007 supporting the NASJRB and related community initiatives that specifically identified the need to protect the base from encroachment of incompatible land uses;

**WHEREAS** the U.S. Department of Defense has determined that, if an aviation accident were to occur, it would statistically occur within identified Clear Zones and Accident Potential Zones at the ends of military base runways;

**WHEREAS** the establishment of land uses that are not compatible with the operations of NASJRB is a public nuisance; injures the region economically; and affects the welfare of NASJRB users and of owners, occupants, and users of land in the vicinity of the Base;

**WHEREAS** incompatible uses include any use that encourages the gathering of people or increases the population density at the ends of the runways; and

**WHEREAS** it is in the interest of the health, safety, and welfare of the general public as well as the economic stability of Fort Worth and the region that the establishment of incompatible land uses be prevented through the creation of compatible use zones at the ends of the NASJRB runways;

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

That the City Manager is authorized to initiate zoning changes to create compatible use zones as depicted in Attachment A and with allowed uses listed in Table 1 for purposes of protection of the north and south ends of the NASJRB runway.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

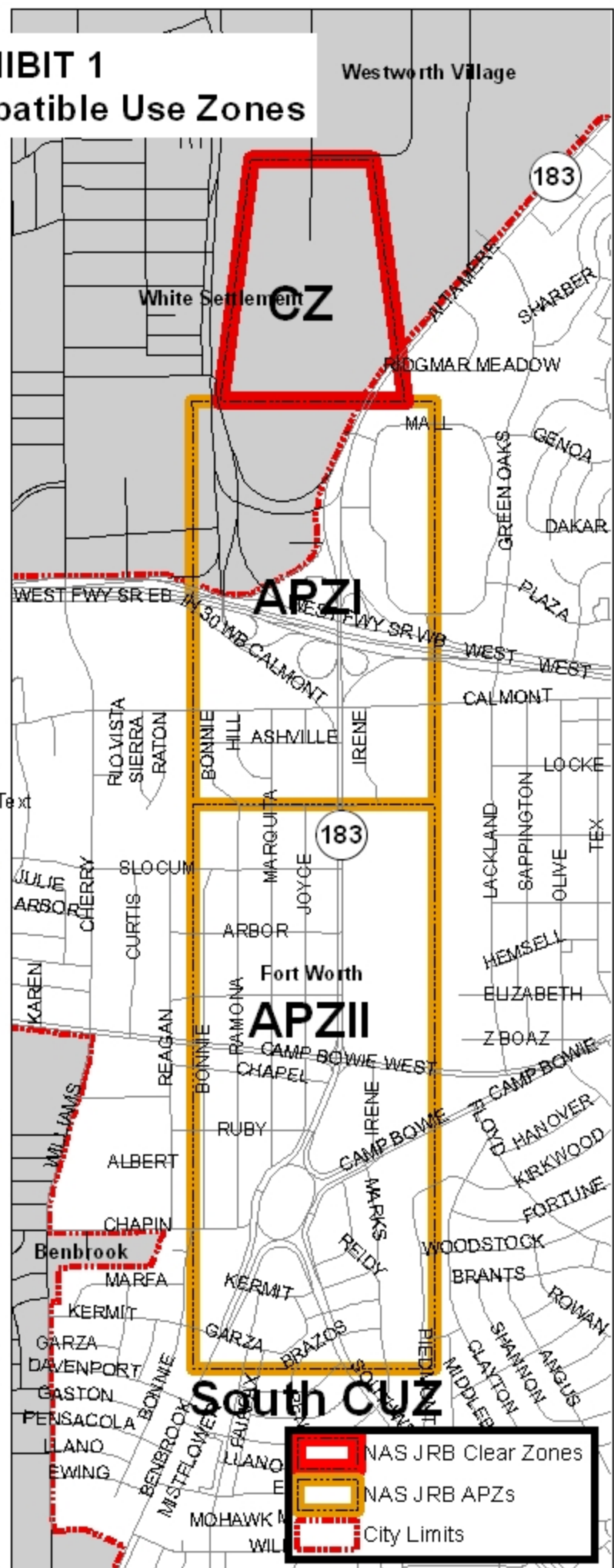
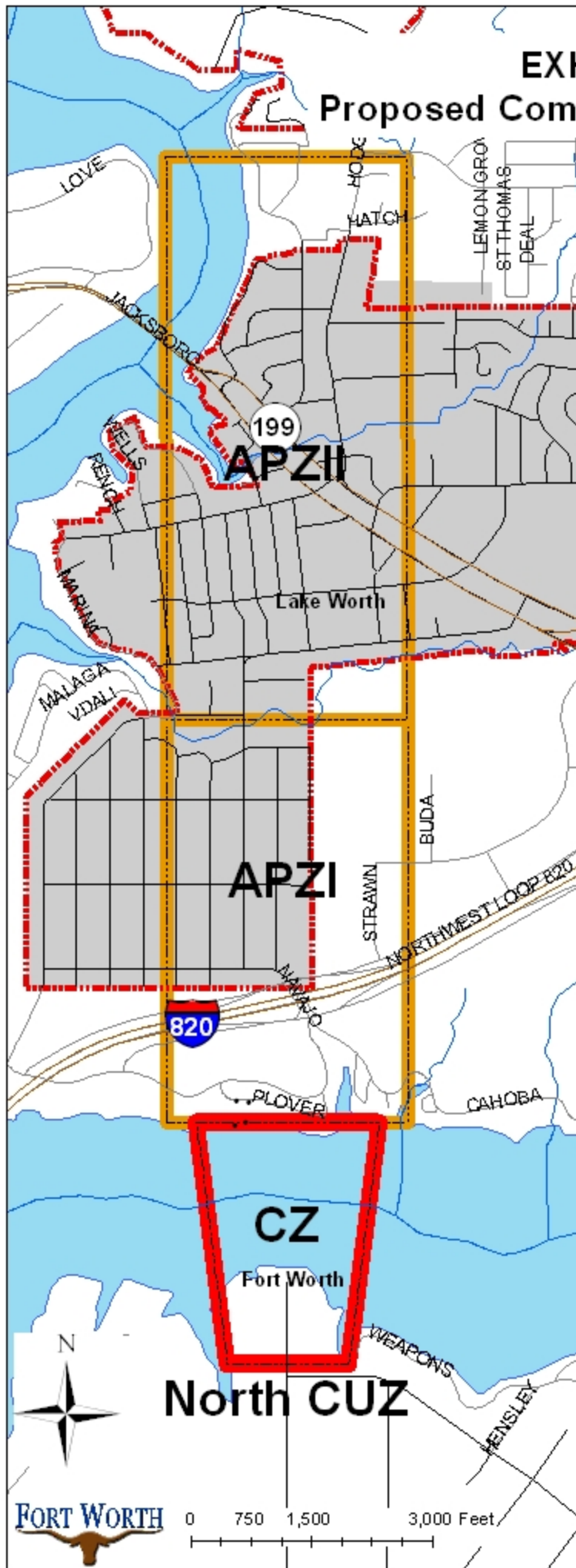
ATTEST:

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

Mary Kayser, City Secretary



# EXHIBIT 1 Proposed Compatible Use Zones



- NAS JRB Clear Zones
- NAS JRB APZs
- City Limits

**TABLE 1 - COMPATIBLE USE ZONES**  
**LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES**

2012 NAICS NO.	LAND USE NAME	CLEAR ZONE	APZ-I	APZ-II	Density Guidelines
	<i>Residential</i>				
	Household Units				
236115	Single units: detached (new)	N	N	N	2
	Single units: detached (existing)	*	*	*	* Existing homes may be rebuilt; refer to Sect. 4.405G for regulations in existing residential subdivisions
2361	Single units: semidetached	N	N	N	
2361	Single units: attached row	N	N	N	
2361	Two units: side-by-side	N	N	N	
2361	Two units: one above the other	N	N	N	
236116	Apartments: walk-up	N	N	N	
236116	Apartment: elevator	N	N	N	
7213	Group quarters	N	N	N	
236116	Residential Hotels	N	N	N	
	Mobile home parks or courts	N	N	N	
624221	Transient lodgings	N	N	N	
	Other residential	N	N	N	
	<i>Manufacturing</i>				
311	Food & kindred products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
313, 314	Textile mill products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
315, 316	Apparel and other finished products: products made from fabrics, leather and similar materials; manufacturing	N	N	N	
321	Lumber and wood products (except furniture); manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
337	Furniture and fixtures; manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
322, 323	Paper and allied products; manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
511	Printing, publishing, and allied industries	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
325	Chemicals and allied products; manufacturing	N	N	N	
32411	Petroleum refining and related industries	N	N	N	
3252	Rubber and misc. plastic products; manufacturing	N	N	N	
327991, 3271, 3272	Stone, clay and glass products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
3323	Primary metal products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
3323	Fabricated metal products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
3333	Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	N	N	N	
339	Miscellaneous manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
	<i>Transportation, communication and utilities</i>				
482, 485	Railroad, rapid rail transit, and street railway transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
485	Motor vehicle transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
481	Aircraft transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
483	Marine craft transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
485	Highway and street right-of-way	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
81293	Automobile parking	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
517	Communication	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
22	Utilities	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
562	Solid waste disposal (landfills, incineration, etc.)	N	N	N	
	Other transportation, communication and utilities	N	Y 5	Y	See Note 5 below
	<i>Trade</i>				
42	Wholesale trade	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II.
444	Retail trade - building materials, hardware and farm equipment	N	Y	Y	See Note 6 below
452	Retail trade (7)- shopping centers, home improvement store, discount club, electronics superstore	N	N	Y	Max FAR of 0.16 in APZ II
445	Retail trade - food	N	N	Y	Max FAR of 0.24 in APZ II
441	Retail trade - automotive, marine craft, aircraft and accessories	N	Y	Y	Max FAR of 0.14 in APZ I & 0.28 in APZ II
448	Retail trade - apparel and accessories	N	N	Y	Max FAR 0.28 in APZ II
442	Retail trade - furniture, home, furnishings and equipment	N	N	Y	Max FAR 0.28 in APZ II
722	Retail trade - eating and drinking establishments	N	N	N	
45399	Other retail trade	N	N	Y	Max FAR of 0.16 in APZ II
	<i>Services</i>				
52	Finance, insurance and real estate services	N	N	Y	Max FAR of 0.22 for General Office/Office park in APZ II
812	Personal services	N	N	Y	Office uses only. Max FAR of 0.22 in APZ II.
81222	Cemeteries	N	Y 9	Y 9	
5614	Business services (credit reporting, mail, stenographic, reproduction, advertising)	N	N	Y	Max FAR of 0.22 in APZ II
493	Warehousing and storage services	N	Y	Y	Max FAR 1.0 APZ I; 2.0 in APZ II
811	Repair Services	N	Y	Y	Max FAR of 0.11 APZ I; 0.22 in APZ II
54, 62	Professional services	N	N	Y	Max FAR of 0.22 in APZ II
622, 623	Hospitals, nursing homes	N	N	N	
621999	Other medical facilities	N	N	N	
23	Contract construction services	N	Y	Y	Max FAR of 0.11 APZ I; 0.22 in APZ II
92	Government services	N	N	Y	Max FAR of 0.24 in APZ II

61	Educational services	N	N	N	
	Miscellaneous	N	N	Y	Max FAR of 0.22 in APZ II
	<i>Cultural, entertainment and recreational</i>				
813	Cultural activities (& Churches)	N	N	N	
71219	Nature exhibits	N	Y 10	Y 10	
813	Public assembly	N	N	N	
71	Auditoriums, concert halls	N	N	N	
71	Outdoor music shells, amphitheaters	N	N	N	
7112	Outdoor sports arenas, spectator sports	N	N	N	
713	Amusements -fairgrounds, miniature golf, driving ranges, amusement parks, etc.	N	N	Y	
713	Recreational activities (include golf courses, riding stables, water recreation )	N	Y 10	Y 10	Max FAR of 0.11 APZ I; 0.22 in APZ II
721214	Resorts and group camps	N	N	N	
	Parks	N	Y 10	Y 10	Max FAR of 0.11 APZ I; 0.22 in APZ II
7139	Other cultural, entertainment and recreation	N	Y 9	Y 9	Max FAR of 0.11 APZ I; 0.22 in APZ II
	<i>Resource Production and Extraction</i>				
111	Agriculture (except livestock)	Y 4	Y 11	Y 11	
112	Livestock farming and breeding	N	Y 11,12	Y 11,12	
	Agriculture related activities	N	Y 11	Y 11	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
113	Forestry Activities 13	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
114	Fishing Activities 14	N 14	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
21	Mining Activities	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
212399	Other resource production or extraction	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
	<i>Other</i>				
	Undeveloped Land	Y	Y	Y	
	Water Areas	N 15	N 15	N 15	

#### KEYS TO TABLE 1

Based on Operational Navy Instruction "Air Installation Compatible Use Zone (AICUZ) Program" OPNAVINST 11010.36C Dated 9-Oct-2008

NAICS North American Industry Classification System, US Dept. of Commerce, 2012  
Y (Yes) Land use and related structures are normally compatible without restriction.  
N (No) Land use and related structures are not normally compatible and should be prohibited

Y# (Yes with Restrictions) The land use and related structures are generally compatible. However, see notes indicated by the number.  
N# - (No with exceptions) The land use and related structures are generally incompatible. However, see notes indicated by the number.  
FAR - Floor Area Ratio  
Du/Ac Dwelling Units Per Acre A floor area ratio is the ratio between the square feet of floor area of the building and the site area. This metric is customarily used to measure residential densities.

#### NOTES FOR TABLE 1

1. A "Yes or a "No" designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures. In order to assist installations and local governments, general suggestions as to floor/area ratios are provided as a guide to density, in some categories. In general, land use restrictions which limit commercial, services, or industrial buildings or structure occupants to 25 per acre in APZ I, and 50 per acre in APZ II are the range of occupancy levels considered to be low density. Outside events should normally be limited to assemblies of not more than 25 people per acre in APZ I, and maximum assemblies of 50 people per acre in APZ II.
2. The suggested maximum density for detached single-family housing is one to two du/ac. In a Planned Unit Development (PUD) of single family detached units where clustered housing development results in large open areas, this density could possibly be increased provided the amount of surface area covered by structures does not exceed 20 percent of the PUD total area. PUD encourages clustered development that leaves large open areas.
3. Other factors to be considered: labor intensity, structural coverage, explosive characteristics, air pollution, electronic interference with aircraft, height of structures, and potential glare to pilots.
4. No structures (except airfield lighting), buildings or aboveground utility/communications lines should normally be located in Clear Zone areas on or off the installation. The Clear Zone is subject to severe restrictions.
5. No passenger terminals and no major above ground transmission lines in APZ I.
6. Maximum FARs for lumber yards are 0.20 in APZ I and 0.40 in APZ II. For hardware/paint and farm equipment stores, the maximum FARs are 0.12 in APZ I and 0.24 in APZ II.
7. A shopping center is an integrated group of commercial establishments that is planned, developed, owned, or managed as a unit. Shopping center types include strip, neighborhood, community, regional, and super regional facilities anchored by small businesses, supermarket, or drug store, discount retailer, department store, or several department stores, respectively. Included in this category are such uses as big box discount clubs, home improvement superstores, office supply superstores, and electronics superstores. The maximum recommended FAR should be applied to the gross leasable area of the shopping center rather than attempting to use the other recommended FARs listed in this table under retail or trade.
8. Low intensity office uses only. Accessory uses such as meeting places, auditoriums, etc. are not recommended.
9. No chapels are allowed within APZ I and APZ II.
10. Facilities much be low intensity and provide no tot lots, etc. Facilities such as clubhouses, meeting places, auditoriums, large classes, etc. are not recommended.
11. Includes livestock grazing, but excludes feedlots and intensive animal husbandry. Activities that attract concentrations of birds creating a hazard to aircraft operation should be excluded.
12. Includes feedlots and intensive animal husbandry.



13. Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zones will be disposed of in accordance with appropriate DOD Natural Resources Instructions.

14. Controlled hunting and fishing may be permitted for the purpose of wildlife management.

15. Naturally occurring water features (e.g. rivers, lakes, streams, wetlands) are compatible.

# A Resolution

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

## DECLARING THE CITY'S CONDITIONAL SUPPORT OF AND CONSENT TO THE CREATION OF THE COTTON BELT RAIL IMPROVEMENT DISTRICT

**WHEREAS** on December 18, 2012 the City Council adopted Resolution No. 4158-12-2012 authorizing the execution of agreements with the North Central Texas Council of Governments ("NCTCOG") requesting NCTCOG to pursue public-private development proposals for the Cotton Belt Passenger Rail Project (the "Project") as a Responsible Governmental Entity under Chapters 2267 and 2268 of the Texas Government Code; and

**WHEREAS** pursuant to the City Council's authorization under Resolution No. 4158-12-2012 the City and NCTCOG intend to execute an Interlocal Cooperation Agreement relating to NCTCOG's service as a Responsible Governmental Entity for purposes of pursuing public-private development proposals for the Project; and

**WHEREAS** the City Council strongly supports the development of commuter rail both within the City and the region as well as between the City and Dallas-Fort Worth International Airport, all of which is of significant importance to the long-term future growth of the City and the long-term future benefit of its citizens; and

**WHEREAS** the Project, as currently envisioned, creates the opportunity for implementation of the commuter rail objectives supported by the City Council; and

**WHEREAS** the City has received a request from NCTCOG and other promoters of the Project that the City consent to legislation that creates a special purpose district known as the "Cotton Belt Rail Improvement District" (the "District") in order to facilitate the potential for development of the Project through NCTCOG and a public-private partnership under Chapters 2267 and 2268 of the Texas Government Code; and

**WHEREAS** the District will encompass the approximately 62-mile Cotton Belt rail corridor through twelve (12) municipalities, from Fort Worth on the west to Plano on the east, with nine (9) proposed stations and approximately 1,060 acres of land for development or redevelopment contemplated to be included in the District's boundary within the corporate limits of the City; and

**WHEREAS** the proposed District will have numerous powers to develop and finance development of the Project, including powers of a Municipal Management District consistent with Chapter 375 of the Texas Local Government Code; and

**WHEREAS** it is proposed that the District be governed by a Board of Directors consisting of 16 persons, with each of the twelve (12) municipalities appointing one Director, each of the three (3) transit agencies appointing one Director and Dallas-Fort Worth International Airport appointing one Director; and



**WHEREAS** it is proposed that before the District can develop or finance development of the Project, a development plan must be approved by (i) a majority vote of the District's Board, with the vote of a Director appointed by a municipality being weighted in accordance with the number of rail stations planned or actually constructed in that municipality, whichever is greater, and (ii) the weighted majority votes of the Directors appointed by municipalities both east of the City of Grapevine and west of and including the City of Grapevine; and

**WHEREAS** the City Council is not opposed to creation of the District provided that the District is governed in such a manner that the City, either directly or through its appointed Director, has the ability to retain full control over non-rail development within that portion of the District that is located within the City's corporate boundaries and the ability to retain full control over any financing obligations affecting the City or affecting property located in that portion of the District that is located within the City's corporate boundaries;

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

**Section 1. THAT** the City Council hereby declares its support of the creation of the District by the Legislature of the State of Texas in accordance with the draft bill attached hereto and provided that the City continues to be assured at all times that the bill, and any amendments or revisions thereto, and creation of the District in general will benefit the City and its citizens and not abrogate the powers of the City as a home-rule municipality or the authority of its elected officials.

**Section 2. THAT** this Resolution will take effect immediately upon its adoption.

**Section 3. THAT** this Resolution may be repealed or amended at any time by majority vote of the City Council taken in a public meeting posted in accordance with Chapter 551 of the Texas Government Code.

**Section 4. THAT** if a copy of a public-private development proposal for the Project is not received by NCTCOG as a Responsible Governmental Entity under Chapters 2267 and 2268 of the Texas Government Code and delivered to the City Manager's Office by 5:00 P.M. CDT, May 1, 2013, the City Council's declaration of support for the creation of the District will automatically be withdrawn.

**Adopted** this 5th day of March 2013.

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

Mary Kayser, City Secretary



83<sup>rd</sup> Regular

By: TBD

H.B. No. XXXX

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Cotton Belt Rail Improvement District; providing authority to impose an assessment, impose a tax, and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter xxxx to read as follows:

CHAPTER xxxx. COTTON BELT RAIL IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. xxxx.001. DEFINITIONS. In this chapter:

(1) "Board" means the District's board of directors.

(2) "Cities" means the Cities of Ft. Worth, Haltom City, North Richland Hills, Grapevine, Coppell, Carrollton, Addison, Farmers Branch, Dallas, Richardson, and Plano.

(3) "Counties" means Collin, Dallas, and Tarrant.

(4) "Director" means a board member.

(5) "District" means the Cotton Belt Rail Improvement District.

(6) "East Sector Cities" means the Cities of Coppell, Carrollton, Addison, Farmers Branch, Dallas, Richardson, and Plano.

(7) "Participation in the District" means Municipal or County funding of District project costs by interlocal agreement, or direct funding from any lawful source of Municipal or County revenues , including but not limited to funds generated by special economic development Districts created pursuant to Chapter 311, Texas Tax Code, Chapter 372, Local Government Code, and Chapter 375, Local Government Code.

(8) "Transit Authorities" means the Dallas Area Rapid Transit Authority, the Denton County Transit Authority, and the Fort Worth Transportation Authority.

(9) "Local Assessment Advisory Board" means the board appointed by each local taxing jurisdiction to approve assessment petitions, and approve the use of assessment revenues generated within that local taxing jurisdiction's corporate limits for non-rail project costs.

(10) "Cotton Belt Rail Corridor" means the rail corridor, consisting of a 100 foot right of way, referenced in the Deed executed by St. Louis Southwest Railway Company, and the Dallas Area Rapid Transit Property Acquisition Corporation,

dated December 27, 1990, and including rail right-of-way owned by several other rail operators on the Southwest end of the Cotton Belt Rail corridor, with abutting development nodes stretching 66 miles in a Northeasterly direction from the McPherson Station area in Fort Worth, to the Shiloh Station area in Plano, as legally described in Section 2 of this statute.

(11) "West Sector Cities" means the Cities of Fort Worth, Haltom City, Richland Hills, and Grapevine.

Sec. xxxx.002. CREATION AND NATURE OF DISTRICT. The Cotton Belt Rail Improvement District is a special District created under Section 59, Article XVI, Texas Constitution.

Sec. xxxx.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the District is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the District and in authorizing the cities and other political subdivisions to contract with the District, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the District is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts,

entertainment, economic development, safety, and the public welfare in the District.

(c) The District is created to supplement and not to supplant municipal services provided in the District.

(d) The District is created to provide a statutory structure for the collaboration of political subdivisions necessary for the creation of the Cotton Belt Commuter Rail Corridor and related facilities, and to serve as the tax exempt entity for financing the development of the rail corridor.

Sec. xxxx.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The District is created to serve a public use and benefit.

(b) All land and other property included in the District will benefit from the improvements and services to be provided by the District under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The creation of the District is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment;

(3) developing or expanding transportation and commerce;

and

(4) providing quality residential housing.

(d) The District will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the District, and of the public;

(2) provide needed funding for the District to develop, preserve, maintain, and enhance the economic health and vitality of the District territory as a commuter rail corridor, with residential community development and commercial and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the District, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, vehicle parking, and street art objects are parts of and necessary components of a street and are considered to be an improvement project that includes a street or road improvement.

(g) The District will not act as the agent or



instrumentality of any private interest even though the District will benefit many private interests as well as the public.

Sec. xxxx.005. DISTRICT TERRITORY. (a) The District is initially composed of the territory described by Section 2 of the Act enacting this chapter, and includes territory that is wholly or partially within twelve municipalities and three counties.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the District's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the District is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax;

or

(4) legality or operation.

Sec. xxxx.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the District is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code; or

(4) an industrial District created under Chapter 42, Local Government Code.

(b) Any city within the boundary of the District which creates a tax increment reinvestment zone described by Subsection (a), that city and the board of directors of the zone, by contract with the District, may grant money deposited in the tax increment fund to the District to be used by the District for the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code, including the right to pledge the money as security for any bonds issued by the District for an improvement project. A project may not receive public funds under Section 380.002(b), Local Government Code, unless the project complies with a development agreement entered into under Section xxxx.207.

(c) A tax increment reinvestment zone created by any city in the District is not subject to the limitations provided by Section 311.006(b), Tax Code.

(d) A tax increment reinvestment zone or a tax abatement reinvestment zone may not include territory in the District

unless the governing body of the municipality creating the reinvestment zone approves the inclusion.

Sec. xxxx.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the District.

Sec. xxxx.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections xxxx.009-xxxx.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. xxxx.051. GOVERNING BODY; TERMS. (a) The District is governed by a board of sixteen voting directors who serve staggered terms of four years, with the odd numbered position terms expiring June 1, 2015. Even numbered positions will serve their initial term, expiring on June 1, 2017.

(b) Each participating municipality in the District shall appoint one director to represent their city.

(c) Each regional transit agency serving the District may appoint one director to serve on the Board.

(d) The DFW Airport may appoint a director to serve on the board.

Sec. xxxx.052. QUALIFICATIONS OF DIRECTORS APPOINTED BY A CITY. (a) To be qualified to serve as a director appointed by

the governing body of a city, a person must be:

- (1) a resident of the District;
- (2) an owner of property in the District;
- (3) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate partnership, limited liability company, or other entity owner of a direct or indirect interest in property in the District;
- (4) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the District;
- (5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4); or
- (6) a representative nominated and approved by the governing body of the City.

(b) Section 49.052, Water Code, does not apply to the District.

Sec.0000.053 QUALIFICATION OF DIRECTORS APPOINTED BY A TRANSIT AGENCY. (a) To be qualified to serve as a director appointed by a Transit Agency, a person must be:

- (1) A resident of the District;
- (2) A person employed by such agency; and
- (3) A person nominated and approved by the agency board of directors as the agency representative.

Sec. xxxx.054. APPOINTMENT OF DIRECTORS. The governing bodies of each participating municipality, or transit agency shall appoint or reappoint Directors representing their entity operating under sections 0000.052, or 0000.053..

Sec. xxxx.055. VACANCY. If a vacancy occurs on the Board, the appointing entity shall fill the vacancy by nomination and approval of its respective governing body.

Sec. xxxx.056. DIRECTOR'S OATH OR AFFIRMATION. (a) A director shall file the director's oath or affirmation of office with the District, and the District shall retain the oath or affirmation in the District records.

(b) A director shall file a copy of the director's oath or affirmation with the secretary of the appointing city.

Sec. xxxx.057. OFFICERS. The Board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. xxxx.058. COMPENSATION; EXPENSES. A director is not entitled to compensation but is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. xxxx.059. LIABILITY INSURANCE. The District may

obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

(1) actions taken by the director in the director's capacity as a member of the Board;

(2) actions and activities taken by the District; or

(3) the actions of others acting on behalf of the District.

Sec. xxxx.060. EXECUTIVE COMMITTEE. (a) The Board may create an Executive Committee to exercise the powers of the Board, specifically delegated to such committee by the Board, and which powers will be defined by the Board with the adoption of administrative procedures for the District.

(b) The Executive Committee shall be comprised of five directors.

(c) The Executive Committee members shall be elected by majority vote of the District Board

(d) The Executive Committee shall be representative of both the East Sector Cities and the West Sector Cities, with four members nominated to represent the Cities as follows: (1) two members nominated from Directors appointed by the East Sector Cities, providing one Director will represent those East

Sector Cities with a population of less than 500,000 population,  
and one Director will represent those East Sector Cities with a  
population greater than or equal to 500,000 population, and (2)  
two members nominated from Directors appointed by the West  
Sector Cities, providing one Director will represent those West  
Sector Cities with less than 500,000 population, and one  
Director will represent those West Sector Cities with a  
population greater than or equal to 500,000.(e) The Executive  
Committee shall include at least one Transit Agency Director on  
the committee.

Sec. xxxx.061. BOARD MEETINGS. The board shall hold  
meetings at a place accessible to the public.

Sec. xxxx.062. INITIAL DIRECTORS. (a) The initial board  
consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	_____
<u>2</u>	_____
<u>3</u>	_____
<u>4</u>	_____
<u>5</u>	_____
<u>6</u>	_____

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_

(b) Section xxxx.052-xxxx.053 does not apply to this section.

(c) This section expires September 1, 2017.

[Sections xxxx.063-xxxx.-090 reserved for expansion]

SUBCHAPTER B-1-LOCAL ASSESSMENT ADVISORY BOARD

Sec xxxx.091. LOCAL ASSESSMENT ADVISORY BOARD (a)  
shall be appointed by the City Council of each municipality  
where assessment revenues are generated and shall consist of the  
member appointed to the District board by that City, and include  
two additional members appointed by that City Council.

(b) Terms for the local assessment advisory board shall be  
the same as the term for the jurisdiction's representative on



the District Board.

(c) vacancies on the local assessment advisory board shall be filed by the city council appointing the advisory board members.

Sec. xxxx.092 POWERS OF THE LOCAL ASSESSMENT ADVISORY BOARD shall include (a) review and approval of assessment petitions submitted to the board under Sec. xxxx.155(c) (3) and, (b) approve, subject to the consent of that advisory board's appointing City Council, the use of revenues generated by assessments in the City's portion of the District for non-rail project costs, and;

(b) Any other powers granted to the Advisory Board by the City Council

(Sec. xxxx.093-Sec. xxxx.100 are reserved for expansion.)

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. xxxx.101. GENERAL POWERS AND DUTIES. The District has the powers and duties necessary to accomplish the purposes for which the District is created.

Sec. xxxx.102. DEVELOPMENT CORPORATION POWERS. The District, using money available to the District, may, unless otherwise provided for herein, exercise the powers given to a development corporation under Chapter 505, Local Government

Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. xxxx.103. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the District in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the District.

Sec. xxxx.104. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the District may make an agreement with or accept a gift, grant, or loan from any person.

(b) The District and the Transit Authorities shall coordinate their pursuit of State and Federal transportation

grants.

(c) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. xxxx.105. LAW ENFORCEMENT SERVICES. To protect the public interest, the District may contract with a qualified party, including a county or a city, to provide law enforcement services in the District for a fee.

Sec. xxxx.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The District may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a District purpose.

Sec. xxxx.107. ECONOMIC DEVELOPMENT. (a) The District may engage in activities that accomplish the economic development purposes of the District.

(b) The District may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the District, including programs to:

(1) make loans and grants of public money; and

(2) provide District personnel and services.

(c) The District may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality; and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. xxxx.108. PARKING FACILITIES. (a) The District may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The District's parking facilities serve the public purposes of the District and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The District's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the District's parking facilities may be considered an economic development program.

Sec. xxxx.110 RAIL FACILITIES (a) The Transit Authority or Authorities or their assignees shall, consistent with a final

agreement with the District and with standards and practices employed by such Authorities, using funds derived from the District, or any other lawful source, including grant funding:

(i) design, construct, operate, and maintain infrastructure associated with commuter rail operations in the Cotton Belt Corridor; and

(ii) subject to applicable trackage rights agreements, operate and maintain all aspects of the commuter rail service in the Cotton Belt Corridor.

(b) (i) In the event that the Transit Authority or Authorities fail or refuse to perform in accordance with paragraph (a), the District may acquire, design, construct, redevelop, maintain and operate commuter rail facilities throughout the Cotton Belt Corridor, including through a local government corporation created by the District for that purpose.

(ii) The District will have the powers of Title 5, Subtitle B, Chapter 91, Subchapter A, Sec.91.004.

(iii) The District shall exercise such authority consistent with negotiated agreements with the Transit Authorities for use of the Cotton Belt Corridor.

(c)The District is not subject to Section 91.005 of the aforementioned section of Title 5.

Sec. xxxx.111. NO EMINENT DOMAIN POWER. Notwithstanding references made herein granting the District powers under other Chapters of Texas law, the District may not exercise the power of eminent domain.

[Sections xxxx.110-xxxx.130 reserved for expansion]

SUBCHAPTER C-1. IMPROVEMENT PROJECTS

Sec. xxxx.131. IMPROVEMENT PROJECTS AND SERVICES. The District may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the District, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. xxxx.132. LOCATION OF IMPROVEMENT PROJECT. An improvement project described by Section xxxx.131 may be located:

(1) in the District; or

(2) in an area outside but adjacent to the District if the project is for the purpose of extending a public infrastructure improvement beyond the District's boundaries to a logical terminus.

Sec.        xxxx.133.            CONSOLIDATION WITH OTHER MUNICIPAL  
MANAGEMENT DISTRICTS. Subchapter P of Chapter 375, Texas Local  
Government Code applies to the District. The District board of  
directors can vote to approve and authorize a merger of  
territory within the boundary of another independently created  
management District, Sec.        xxxx.155. and all sections of  
Subchapter E of this statute.

Sec.        xxxx.134.            DEVELOPMENT PLAN REQUIRED TO UNDERTAKE  
IMPROVEMENT PROJECTS, IMPOSE TAXES OR ASSESSMENTS AND BORROW  
MONEY, INCLUDING BONDS. (a) After the district's board of  
directors is organized, but before the district may undertake  
any improvement project, issue bonds, impose taxes, levy  
assessments or fees, or borrow money, the district board of  
directors must approve a development plan for the district that  
delineates :

(1) the exercise of the powers granted to the district  
under this Chapter, including the organization, development  
and operation of the district;

(2) the selection and description of improvement  
projects that may be undertaken and financed by the  
district and the ownership, operation, and maintenance  
thereof, including the number, location and construction of  
rail stations in each City;

(3) the terms, conditions, methods, means, and amounts of each financing authorized by this Chapter that the district may undertake in providing improvement projects; and

(4) the estimated amounts, methods, and times of payments by the Cities for costs and expenses incurred in the development of the project, including the projected financing costs with respect to the development and operation of the district and the financing of improvement projects by the district.

(b) This development plan, and any amendment to this development plan, must be approved by majority vote of the board, based on a weighted vote of the directors of the board, as follows:

(1) Directors appointed by the Cities will be allowed to cast the following number of votes: Fort Worth, 9; Haltom City, 1; North Richland Hills, 2; Grapevine, 2; Coppell, 1; Carrollton, 1; Addison, 1; Dallas, 4; Richardson, 2; and Plano, 2. If the number of rail stations in a City exceeds the number of votes allocated above to that City, the director appointed by that City shall instead be allowed to cast the same number of votes as there are rail stations located within the City. Directors



appointed the Transit Authorities and the DFW Airport shall each have 1 vote.

(2)A majority of the weighted votes of the Directors appointed by the East Sector Cities and a majority of the weighted votes of the Directors appointed by the West Sector Cities are required in order for the development plan or any amendment to the development plan to be approved.

[Sections xxxx.134-xxxx.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. xxxx.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the District's money.

Sec. xxxx.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The District may acquire, construct, finance, operate, or maintain an improvement project or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the District.

Sec. xxxx.154 SUBDIVISION OF THE DISTRICT

The District may subdivide into subDistricts for the purpose of establishing separate assessments and assessment rates or taxes.

Sec. xxxx.155. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board by the owner of the property(s) subject to assessment.

(b) A property owned by an individual property owner, who specifically petitions for a levy and assessment on that property, will be subject to assessment for the duration of the service and assessment plan for the District. Such assessment will retain the character of assessment revenues authorized by Chapter 375, Texas Local Government Code.

4) assessments levied as provided by Sec. xxxx.155 will be subject to Sec. xxxx.157

(d) The subDistricts include the following: (list them)

Sec. xxxx.154. METHOD OF NOTICE FOR HEARING. (a) The District, including its subDistricts, may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall

determine the method of notice.

(b) Each subDistrict will be required to mail notice required by Section 375.115(c) for its respective proposed assessment.

Sec. xxxx.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the District, subject to Sec. xxxx.157

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the District, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the District:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school District, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's

resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. xxxx.156. TAX AND ASSESSMENT ABATEMENTS. The District may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

Sec. xxxx.157. LIMITATION ON ASSESSMENTS. (a) Any proposed use of assessment revenue for non-rail development project costs within a taxing jurisdiction where assessments are levied shall be subject to the approval of the governing body of that taxing jurisdiction,

(b) the board of the District shall decide how assessment revenues generated for rail project costs will be used by the District (c) The board may not assess property belonging to the Transit Authorities.

[Sections xxxx.157-xxxx.200 reserved for expansion]

SUBCHAPTER E. TAXES AND BONDS

Sec. xxxx.201. BONDS AND OTHER OBLIGATIONS. (a) The District may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local Government Code.

(b) In exercising the District's borrowing power, the District may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the District, or other type of obligation.

(c) In addition to the sources of money described by Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local Government Code, District bonds may be secured and made payable wholly or partly by a pledge of any part of the money the District receives from improvement revenue or from any other source.

(d) Prior to the issuance of a bond or other similar indebtedness or guarantee of another's indebtedness, the district must also receive the approval of the board, by weighted vote, consistent with section xxxx.134(c).

Sec. xxxx.202. BOND MATURITY. Bonds may mature not more than 30 years from their date of issue.

Sec. xxxx.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax for each year that all or part of the bonds are outstanding; and

(2) the District annually shall impose an ad valorem tax on all taxable property in the District in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due; and

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

Sec. xxxx.204. ELECTION REQUIRED FOR TAXES OR BONDS. (a) The District must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the District may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(b) any ad valorem tax approved pursuant to Sec. xxxx.205 (a) must also receive the approval and consent of the city council of the city where the tax is to be levied.

Sec. xxxx.205. HOTEL OCCUPANCY TAX. (a) The District may

impose a hotel occupancy tax in the manner that Chapter 351, Tax Code, provides for a municipality.

(b) A tax imposed under this section may not exceed the maximum rate under Section 351.003(a), Tax Code.

Sec. xxxx.206. CERTAIN SINGLE-FAMILY RESIDENTIAL PROPERTY EXEMPT. (a) The District may not impose an assessment or tax on a single-family residential property that:

(1) is in the territory described by Section 2 of the Act creating the District; and

(2) exists as of the effective date of the Act enacting this chapter.

(b) Section 375.161, Local Government Code, does not apply to the District.

Sec. xxxx.207. DEVELOPMENT AGREEMENT. The District may enter into development agreements that requires the District to reimburse one or more developers for the costs associated with constructing and maintaining an improvement project. The District may use revenue from taxes and assessments to reimburse a developer under this section.

[Sections xxxx.208-xxxx.250 reserved for expansion]

#### SUBCHAPTER F. DISSOLUTION

Sec. xxxx.251. DISSOLUTION BY MUNICIPALITIES. (a) Chapter 375.314 of the Texas Local Government Code does not apply to the

District.

(b) A City may terminate its participation in the District by Ordinance, subject to Section. xxxx.251(c)

(c) If a city elects to terminate its participation in the District, the City's financial obligation to the District will continue until the City's share of District's outstanding debt or contractual obligations that are payable from ad valorem taxes have been repaid or discharged, and may be paid from any lawful source available to the City.

(c) If the District enters a development agreement(s) under Section xxxx.207, the city may not terminate its participation in the District until its share of obligations as set forth in the agreement has been fulfilled, including any right or obligation the District has to reimburse a developer or owner for the costs of improvement projects.

xxxx.253 SUNSET TERMINATION OF THE DISTRICT (a) If within seven years of the effective date of the statute, the District Board has not approved financing agreements necessary to finance all or part of the project, or approve the Development Plan set forth in Section xxxx.134, the District shall terminate.

SECTION 2. The Cotton Belt Rail Development District initially includes all the territory contained in the following



area: NEED TO ADD LANGUAGE DEFINING THE ROW AND DEVELOPMENT  
PARCELS AROUND EACH STOP.

SECTION 3. (a) The legal notice of the intention to  
introduce this Act, setting forth the general substance of this  
Act, has been published as provided by law, and the notice and a  
copy of this Act have been furnished to all persons, agencies,  
officials, or entities to which they are required to be  
furnished under Section 59, Article XVI, Texas Constitution, and  
Chapter 313, Government Code.

(b) The governor, one of the required recipients, has  
submitted the notice and Act to the Texas Commission on  
Environmental Quality.

(c) The Texas Commission on Environmental Quality has  
filed its recommendations relating to this Act with the  
governor, lieutenant governor, and speaker of the house of  
representatives within the required time.

(d) The general law relating to consent by political  
subdivisions to the creation of Districts with conservation,  
reclamation, and road powers and the inclusion of land in those  
Districts has been complied with.

(e) All requirements of the constitution and laws of this  
state and the rules and procedures of the legislature with  
respect to the notice, introduction, and passage of this Act

have been fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

# A Resolution

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

**AMENDING RESOLUTION NO. 4108-07-2012,  
AS PREVIOUSLY AMENDED,  
BY APPOINTING FOUR NEW MEMBERS TO THE  
PASSENGER RAIL WORKING GROUP**

**WHEREAS**, on July 24, 2012 the City Council adopted Resolution No. 4108-07-2012 appointing a 14-member Passenger Rail Working Group; and

**WHEREAS**, on September 11, 2012 the City Council adopted Resolution No. 4123-09-2012 increasing the membership of the Passenger Rail Working Group to 15 members; and

**WHEREAS**, the Passenger Rail Working Group is a task force created to make recommendations and assist the City Council as to acceleration of the development of various passenger rail initiatives, including TEX Rail, a proposed commuter rail line that would extend 37 miles from southwest Fort Worth to Dallas/Fort Worth International Airport; and

**WHEREAS**, the membership of the Passenger Rail Working Group, as appointed pursuant to Resolution No. 4108-07-2012, included four (4) members who were on the Board of Directors of the Fort Worth Transportation Authority (The T); and

**WHEREAS**, due to changes in the membership of The T's Board of Directors, the City Council desires the Passenger Rail Working Group to reflect current members of The T's Board of Directors;

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

**Section 1.** **THAT** the City Council hereby appoints the following four (4) new members of the Board of Directors of The T to the Passenger Rail Working Group:

1. Scott Mahaffey;
2. Sylvia Cervantes;
3. Dennis Dunkins; and
4. Jeff King.



**Section 2.** **THAT** the City Council hereby confirms the previous appointment of the following remaining members of the Passenger Rail Working Group:

- 1, Council Member Jungus Jordan, Chair;
2. Mayor Betsy Price;
3. Council Member Joel Burns;
4. Council Member Danny Scarth;
5. Judge Glen Whitley, Tarrant County;
6. Bill Thornton, President, Fort Worth Chamber of Commerce (or his designee);
7. Devoyd Jennings, President, Fort Worth Metropolitan Black Chamber of Commerce (or his designee);
8. Asusena Resendiz, President, Fort Worth Hispanic Chamber of Commerce (or her designee);
9. Dee Kelly, Jr., Kelly, Hart & Hallman, LLP;
10. Michael Morris, Director of Transportation, North Central Texas Council of Governments (or his designee); and
11. Ben Loughry, Greater Fort Worth Real Estate Council.

**Section 3.** **THAT** the City Council requests that the Passenger Rail Working Group provide the City Council with progress reports on a quarterly basis and at such other times as might be appropriate, with the understanding that the task force's duties shall be completed no later than upon the funding and the initiation of construction of TEX Rail.

Adopted this 5th day of March, 2013.

ATTEST:

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

Mary Kayser, City Secretary



**No Documents for this Section**

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

**DATE:** Tuesday, March 5, 2013

**LOG NAME:**

**REFERENCE NO.:** \*\*OCS-1879

**SUBJECT:**

Notices of Claims for Alleged Damages and/or Injuries

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**RECOMMENDATION:**

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

**DISCUSSION:**

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

The attached list is a summary of the notices of claims against the City of Fort Worth received in the City Secretary's Office as of 5:00 p.m., Wednesday, February 27, 2013.

**Attachment**

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

Mary J. Kayser (6152)

**Originating Department Head:**

Mary J. Kayser (6152)

**Additional Information Contact:**

Horatio Porter (2379)  
Nancy McKenzie (7744)

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# CITY COUNCIL MEETING

Tuesday, March 05, 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 Rows ext 7784. Thank you.

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Juanita Taylor	2/14/2013	2/1/2013	3517 Pate Dr	Auto Damage	City crew damaged vehicle.	TPW	No	No
Mike Farris	2/14/2013	2/1/2013	3414 Westcliff Dr South	Property Damage	Driveway damage from water leak.	Water	No	No
Bridgette Johnson	2/14/2013	1/25/2013	Enon St	Auto Damage	Vehicle struck pothole.	TPW	Yes	No
Donita Montgomery	2/14/2013	2/7/2013	3521 Rufus St.	Property Damage	Property damage from sewer back-up.	Water	Yes	No
Oliver Dyers Appliance	2/14/2013	10/5/2012	Herve & Pershing	Auto Damage	Struck low hanging branches.	PACS	Yes	No
Larry D Turner	2/15/2013	2/10/2013	Trinity Trails under I-30	Bodily Injury	Broken construction fence caused fall from bike.	PACS	No	Yes
Aretha Pigrum	2/15/2013	1/31/2013	2508 Duringer Rd	Property Damage	Officer damaged door.	Police	No	No

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Graciela Cedillo Sanchez	2/14/2013	1/30/2013	1900 Beach St.	Auto Damage	Interior of vehicle damaged when impounded.	Police	No	No
Franklin Moore	2/15/2013	1/29/2013	2200 blk of Forest Park Blvd	Auto Damage	Rearended by City truck.	Water	No	No
Robert Turner	2/15/2013	12/24/2012	Hwy 287 & Berry Street	Property Damage	Vehicle struck pothole.	TPW	Yes	No
Historic Fort Worth, Inc.	2/18/2013	2/5/2013		Property Damage	Declaratory Action to determine Zoning Commission's authority to remove historic	Plan	No	No
Brooke Ortiz	2/19/2013	2/9/2013	3106 North Pecan Street	Property Damage	Damage to house during police action	Police	No	No
Larry Taylor	2/19/2013	7/20/2012	FWCC	Employment	Disrimination & Retaliation	Public Events	No	No
AT&T	2/20/2013	2/2/2013	1331 King Hwy	Property Damage	City crew damaged line.	Water	Yes	No
AT&T	2/20/2013	1/23/2013	3801 Valentine St	Property Damage	City crew damaged line.	Water	Yes	No
Robert & Sarah Meek	2/20/2013	2/15/2013	3813 Summercrest Drive	Property Damage	Sewer backup into home.	Water	Yes	No



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Lloyd McGhee	2/20/2013	1/29/2013	5663 Vega Drive	Property Damage	Damage from water main break.	Water	No	No
A. G. Hawkins	2/21/2013	2/20/2013	I-35W at Lancaster	Property Damage	City trailer hauling tires/wheels. Wheel flew out, hit Citizen vehicle.	Equip Svcs	No	No
Dale Wagner	2/22/2013	2/21/2013	1005 Vicki Ln	Property Damage	Officer kicked in door.	Police	No	No
ATMOS energy	2/21/2013	2/1/2013	2111 Evans Ave	Property Damage	City crew damaged gas line.	Water	Yes	No
Erica Tisby	2/22/2013	2/15/2013	8341 Orleans Ln	Property Damage	Plumbing charge to repair leak.	Water	Yes	No
Leslie Goodwin	2/22/2013	8/1/2012	CFW	Employment	Alleged discrimination.	Water	Yes	No
J.B. Horton	2/21/2013	1/1/2013	5100 Columbus Trail	Property Damage	Water leak.	Water	No	No
Kimberly Howell	2/22/2013	2/12/2013	FWRPD Property Room	Reimbursement	Missing personal property.	Police	Yes	No
Jones-Hamilton Co.	2/25/2013	2/7/2013	I-30 & Henderson	Auto Damage	Car hit by City vehicle.	Code	Yes	No

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Dina Kaswatuka	2/25/2013	1/28/2013	FWPD	Bodily Injury	Alleged excessive force.	Police	No	Yes
Glenda Thompson	2/25/2013	2/22/2013	3955 Pate	Property Damage	Damage from water main break.	Water	Yes	No
Patricia M. Monroe	2/25/2013	2/8/2012	2020 Grandview Dr	Reimbursement	Plumbing charge to verify blockage in City line.	Water	Yes	No
AT&T	2/27/2013	1/8/2013	6116 Sparrow Wood Ln	Property Damage	City damaged line.	Water	Yes	No

**No Documents for this Section**

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Zoning Docket items are linked on the Council Meeting Agenda.

**No Documents for this Section**