



**SUMMARY OF MEETINGS AND ACTIVITIES
MONDAY, FEBRUARY 28, 2011, THROUGH FRIDAY, MARCH 4, 2011**

<u>MONDAY, FEBRUARY 28, 2011</u>	<u>TIME</u>	<u>LOCATION</u>
Pre-Building Standards Commission	9:30 a.m.	Conference Room 289, City Hall
Building Standards Commission	10:00 a.m.	Council Chamber
<u>TUESDAY, MARCH 1, 2011</u>		
Legislative and Intergovernmental Affairs Committee	11:00 a.m.	Pre-Council Chamber
Housing and Economic Development Committee		CANCELED
D/FW International Airport Board – Retirement/Investment Committee	12:30 p.m.	D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
D/FW International Airport Board – Finance/Audit Committee	1:00 p.m.	D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
D/FW International Airport Board – Concessions/Commercial Development Committee	1:30 p.m.	D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
D/FW International Airport Board – Operations Committee	2:00 p.m.	D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
Local Development Corporation	2:30 p.m.	Pre-Council Chamber
Pre-Council Meeting	3:00 p.m.	Pre-Council Chamber
City Council Meeting	7:00 p.m.	Council Chamber

<p>This summary is compiled from data furnished to the Office of the City Secretary by 12:00 noon on February 24, 2011, and may not include all meetings to be conducted during the week of February 28, 2011, through March 4, 2011. 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, FEBRUARY 28, 2011, THROUGH FRIDAY, MARCH 4, 2011**

WEDNESDAY, MARCH 2, 2011

<u>TIME</u>	<u>LOCATION</u>
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

THURSDAY, MARCH 3, 2011

D/FW International Airport Board	8:30 a.m.	D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
Downtown Design Review Board		CANCELED

FRIDAY, MARCH 4, 2011

NO MEETINGS

<p>This summary is compiled from data furnished to the Office of the City Secretary by 12:00 noon on February 24, 2011, and may not include all meetings to be conducted during the week of February 28, 2011, through March 4, 2011. 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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HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE MEETING (CANCELLED)

LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

TUESDAY, MARCH 1, 2011

11:00 A.M.

**PRE-COUNCIL CHAMBER, CITY HALL
1000 THROCKMORTON STREET
FORT WORTH, TEXAS**

FORT WORTH LOCAL DEVELOPMENT CORPORATION MEETING

TUESDAY, MARCH 1, 2011

2:30 P.M.

**PRE-COUNCIL CHAMBER, CITY HALL
1000 THROCKMORTON STREET
FORT WORTH, TEXAS**

PRE-COUNCIL MEETING

TUESDAY, MARCH 1, 2011

3:00 P.M.

**PRE-COUNCIL CHAMBER, CITY HALL
1000 THROCKMORTON STREET
FORT WORTH, TEXAS**

1. Report of the City Manager - **Tom Higgins, Interim City Manager**
 - a. Changes to the City Council Agenda
 - b. Upcoming and Recent Events
 - c. Organizational Updates and Employee Recognition(s)
 - d. Informal Reports
 - [IR 9362](#): Alternative Method for the Management of Asbestos During Demolition of Regulated Structures
 - [IR 9363](#): Update on the Acquisition of a Community Park in the Northwest Sector and Application for a Texas Parks and Wildlife Grant
 - [IR 9364](#): Incentive Proposal for Oliver's Fine Foods, Inc. for the Conversion of Vacant Space at 415 Throckmorton Street into a Neighborhood Grocery Store
 - [IR 9365](#): Enterprise Resource Planning (ERP) Project - Phase I Update
 - [IR 9366](#): Update on Pad Sites Reported With Higher Emissions Within the Natural Gas Air Quality Study - Interim Report Prepared by Eastern Research Group, Inc.
2. Questions Concerning Current Agenda Items - **City Council Members**
 - a. Overview of Significant Zoning Items - **Dana Burghdoff, Planning and Development**
3. Responses to Items Continued from a Previous Week
 - a. [M&C L-15143](#) - Authorize Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, LLC, for a Natural Gas Pipeline Across City-Owned Property in the William R. Loving Survey and S.P. Loving Survey Also Known

as the Berry Yuma Yard Located at 3250 Yuma Street for a Twenty Year Term at a Cost of \$44,083.31 and Temporary Access at a Cost of \$4,000.00 for a Term of One-Hundred Twenty Days (COUNCIL DISTRICT 8) **(Continued from February 15, 2011 by Council Member Hicks)**

- b. [M&C C-24724](#) - Authorize the City Manager to Sign a Notice of Quiet Zone Establishment Certification for the Creation of the Hemphill West Quiet Zone that Includes Burlington Northern Santa Fe Railway Company Crossings at Lipscomb Street, Capps Avenue, Hemphill Street and Page Street and Authorize the City Manager to Enter Into an Agreement with Burlington Northern Santa Fe Railway Company for Railroad Signal Upgrades in the Amount of \$382,618.00 (COUNCIL DISTRICT 9) **(Continued from February 15, 2011 by Council Member Burns)**
- c. ZC-10-183 - City of Fort Worth Planning and Development: Text Amendment, Mixed Use Districts Amendment: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth to Amend: Articles 9 and 10 related to Residential and Industrial Districts **(Continued from February 8, 2011 by Council Member Burdette)**
- 4. Impact of ESPN/Super Bowl XLV on Sundance Square - **Johnny Campbell and Tracy Gilmour, Sundance Square Management**
- 5. Briefing on Tarrant County Days in Austin - **Shirley Little, Government Relations**
- 6. Presentation on Initial 2010 Census Results - **Fernando Costa, City Manager's Office**
- 7. Presentation of Amendments to City Council Rules of Procedure Regarding Meeting and Speaker Protocol Changes - **Marty Hendrix, City Secretary**
- 8. City Council Requests for Future Agenda Items and/or Reports
- 9. Executive Session - The City Council may conduct a closed meeting as authorized by Section 551.071 of the Texas Government Code to seek the advice of its attorneys on legal issues regarding any matter listed on today's City Council Agendas

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ATTACHMENT
EXECUTIVE SESSION
(PRE-COUNCIL CHAMBER, CITY HALL)
Tuesday, March 01, 2011

Notice is hereby given that the City Council of the City of Fort Worth will hold a special meeting in the Pre-Council Chamber of the Fort Worth City Hall, 1000 Throckmorton, Fort Worth, Texas, on Tuesday, March 1, 2011 to consider the items on the agenda listed below. The special meeting will be held immediately after the Pre-Council meeting that begins at 3:00 P.M. in the Pre-Council Chamber at City Hall and before the regular City Council meeting that begins at 7:00 P.M. in the Council Chamber at City Hall.

I. CALL TO ORDER

II. EXECUTIVE SESSION

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 and as authorized by Section 551.071 of the Texas Government Code:
 - (a) Legal issues related to four Fort Worth Selective Traffic Enforcement Program (STEP) grants funded by the Texas Department of Transportation (TxDOT);
 - (b) Legal issues regarding Transportation Impact Fees;
 - (c) Legal issues regarding the hiring of General Counsel to advise the DFW Airport Board;
 - (d) Legal issues regarding the Code of Ethics;
 - (e) Legal issues regarding elections;
 - (f) Legal issues related to the claims of Chad Gibson and George Armstrong; and
 - (g) Legal issues concerning any item listed on today's City Council meeting agendas.
2. Deliberate the purchase, exchange, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
3. Deliberate 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.

III. ADJOURN

**CITY COUNCIL AGENDA
FOR THE MEETING AT 7:00 P.M. TUESDAY, MARCH 01, 2011
CITY COUNCIL CHAMBER, CITY HALL
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

I. CALL TO ORDER

II. INVOCATION - Pastor Peris J. Lester, Carter Metropolitan CME Church

III. PLEDGE OF ALLEGIANCE

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF
FEBRUARY 15, 2011**

V. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

VI. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

VII. CONSENT AGENDA

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

A. General - Consent Items

1. [M&C G-17214](#) - Authorize \$175,000.00 Payment to the Retired Employees Group Death Benefit Fund for Payment of Retiree Death Benefits Under City Code

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

1. [M&C P-11198](#) - Authorize a Purchase Agreement with POM, Inc., for Parking Meters for the Transportation and Public Works Department for an Amount Not to Exceed \$100,000.00
2. [M&C P-11199](#) - Authorize a Purchase Agreement with Ferguson Enterprises, Inc., d/b/a FERGUSON WATERWORKS for Brass and Ductile Iron Fittings for the Water Department for an Initial Amount of \$210,000.00
3. [M&C P-11200](#) - Authorize Purchase Agreements with Insite Amenities, L.P., Using a Texas Association of School Boards BuyBoard Contract, and with Total Recreation Products, Inc. as Authorized Dealer for Playcore Wisconsin, Inc., d/b/a GameTime, Using a U.S. Communities Contract, for Shelter and Recreational Equipment for the Parks and Community Services Department for a Combined Initial Annual Amount of \$260,000.00
4. [M&C P-11201](#) - Authorize a Purchase Agreement with Bay Scan Technologies for Media Security Cases and Accessories for the Library Department for an Initial Amount of \$64,267.00

C. Land - Consent Items

1. [M&C L-15147](#) - Authorize Execution of a Lease Agreement with The Potter's House of Dallas, Inc., for Office Space Located at 1200 Woodhaven Boulevard, Suite 1258, for the Police Department at a Cost of \$1,200.00 Per Year (COUNCIL DISTRICT 4)
2. [M&C L-15148](#) - Authorize the Purchase of a Fee Simple Interest in 0.155 Acres of Land for Right-of-Way and an Easement Interest in 0.010 Acres of Land for a Temporary Construction Easement Located at 8659 Old Decatur Road from Billy Jo Ferrell, for a Total of \$67,000.00 and Pay the Estimated Closing Costs of \$3,500.00 for the Old Decatur Road Widening Project from Bailey-Boswell Road to W J Boaz Road (COUNCIL DISTRICT 7)

D. Planning & Zoning - Consent Items

1. [M&C PZ-2927](#) - Adopt Ordinance Vacating a Portion of Excess Right-of-Way for Grace Street Between Premier Street and Kimbo Road (COUNCIL DISTRICT 4)
2. [M&C PZ-2928](#) - Adopt Ordinance Vacating a Portion of Right-of-Way Along Riverfront Drive East of Rogers Road (COUNCIL DISTRICT 9)

E. Award of Contract - Consent Items

1. [M&C C-24743](#) - Authorize Execution of a Contract in the Amount of \$455,606.00 with Macval Associates, LLC, for Concrete Restoration 2011-9 at Various Locations and Adopt Appropriation Ordinance (COUNCIL DISTRICTS 2, 5 and 8)
2. [M&C C-24744](#) - Authorize Execution of Change Order No. 1 in the Amount of \$313,132.66 to City Secretary Contract No. 40663 with Peachtree Construction, Ltd., for Hot Mix Asphaltic Concrete Surface Overlay 2010-7 at Various Locations (COUNCIL DISTRICT 9)
3. [M&C C-24745](#) - Authorize Agreement with the Union Pacific Railroad Company for a Total Amount of \$180,685.00 for Pavement Improvements Required at the Railroad Crossing Located on McAlister Road (COUNCIL DISTRICT 6)
4. [M&C C-24746](#) - Authorize Amendment No. 8 to City Secretary Contract Number 32411 in the Amount of \$96,496.62 to the Professional Services Agreement with Perkins+Will for Additional Construction Administration Services for the Construction of the Nashville Neighborhood Policing District No. 6 and Traffic Division Facility Located at 1100 Nashville Avenue (COUNCIL DISTRICT 8)
5. [M&C C-24747](#) - Adopt Supplemental Appropriation Ordinance Increasing Appropriations in the Culture and

- Tourism Fund in the Amount of \$715,000.00 and Decreasing the **Unaudited, Unreserved, Undesignated Culture and Tourism Fund Balance** by the Same Amount and Authorize Execution of a Contract with Johnson Controls, Inc. to Replace the Air Handling Units in the East Exhibit Hall/Annex at the Fort Worth Convention Center (COUNCIL DISTRICT 9)
6. [M&C C-24748](#) - Authorize Execution of a Contract with Alliance for Children in an Amount Not to Exceed \$64,000.00 to Assist with the Funding of Child Abuse Prevention Programs in the City of Fort Worth
 7. [M&C C-24749](#) - Authorize Execution of a Landlord Subordination Agreement with Rich Aviation Services, LLC, and William Mann Jr. Community Development Corporation for Two Flight Simulators at Meacham International Airport (COUNCIL DISTRICT 2)
 8. [M&C C-24750](#) - Authorize an Engineering Agreement in the Amount of \$299,810.00 with Brown & Gay Engineers, Inc., for Water and Sanitary Sewer Replacement Contract 2009, WSM-P on Walton Avenue, Westhaven Drive, Encanto Drive and South Drive and Adopt Appropriation Ordinance (COUNCIL DISTRICT 3)
 9. [M&C C-24751](#) - Authorize Amendment No. 8 in the Amount of \$63,512.00 with Alan Plummer Associates, Inc., for Services Related to the Wastewater Diversion from the Eagle Mountain Lake Drainage Basin to the Big Fossil Creek Basin (COUNCIL DISTRICTS 2 and 7 and ETJ)
 10. [M&C C-24752](#) - Authorize Execution of Amendment No. 4 in the Amount of \$144,000.00 to City Secretary Contract No. 29797 with Kimley-Horn and Associates, Inc., for the Fort Worth Medical District Water Distribution System Evaluation Study and Improvements, Part 2 (COUNCIL DISTRICT 9)
 11. [M&C C-24753](#) - Authorize Execution of Change Order No. 4 in the Amount of \$48,716.46 to City Secretary Contract No. 39681 with S.H.U.C., Inc., for Water and Sanitary Sewer Rehabilitation Contract 71, Part 1 on Trail Lake Drive, thereby Increasing the Contract Amount to \$700,402.31 and Adopt Appropriation Ordinance (COUNCIL DISTRICTS 6 and 8)
 12. [M&C C-24754](#) - Authorize an Engineering Agreement in the Amount of \$259,550.00 with RJN Group, Inc., for Sanitary Sewer Rehabilitation, Contract 84 on North Beach Street, Springdale Road, Brittain Street and Elinor Street and Adopt Appropriation Ordinance (COUNCIL DISTRICT 4)
 13. [M&C C-24755](#) - Authorize Execution of Change Order No. 4 in

the Amount of \$63,611.00 to City Secretary Contract No. 38806 with McCarthy Building Companies, Inc., for Construction of the Westside Water Treatment Plant, Located at 12200 Old Weatherford Road, thereby Increasing the Contract Amount to \$47,166,236.67 (EXTRATERRITORIAL JURISDICTION ADJACENT TO COUNCIL DISTRICT 7)

VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. OCS –1803 – Notice of Claims for Alleged Damages and/or Injuries
2. OCS –1804 – Liability Bonds Approval

IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. Upcoming and Recent Events
2. Recognition of Citizens

XI. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

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

XIII. RESOLUTIONS

1. A Resolution Amending The Rules Of Procedures Of The City Council Of The City of Fort Worth, Texas
2. A Resolution Appointing A New Member To The Fort Worth Transportation Authority Executive Committee
3. A Resolution Of The City Of Fort Worth, Texas Conducting A Public Hearing And Designating A Certain Official As Being Responsible For, Acting For, And On Behalf Of The City Of Fort Worth In Dealing With The Texas Parks & Wildlife Department For The Purpose Of Participating In The Local Park Grant Program; Certifying That The City Of Fort Worth Is Eligible To Receive Program Assistance; Certifying That The City Of Fort Worth's Matching Share Is Readily Available; Dedicating The Proposed Site For Permanent Public Park And Recreational Uses; And Certifying That The Grant Application Shall Be Submitted To The North Central Texas Council Of Governments For The Texas Review And Comment System (TRACS) Review **(PUBLIC HEARING)**

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

XIV. REPORT OF THE CITY MANAGER

A. Benefit Hearing - None

B. General

1. [M&C G-17215](#) - Accept Monetary Donation of \$40,000.00 from The Van Zandt Cottage Friends, Inc. for the Restoration of the Van Zandt Cottage, Adopt Appropriation Ordinance and Authorize

Agreement with Arthur Weinman Architects for
Donation of Design and Construction
Administration Services in Connection with the
Restoration (COUNCIL DISTRICT 9)

2. [M&C G-17216](#) - Adopt Ordinance Approving the City of Fort Worth 2011 Comprehensive Plan
3. [M&C G-17217](#) - Adopt Ordinance Amending Chapter 22 of the Code of the City of Fort Worth by Adding Section 22-95 Creating a Safe Passing Zone for the Protection of Pedestrians, Bicyclists and Other Vulnerable Road Users
4. [M&C G-17218](#) - Authorize Amendments to the Guidelines for the City's Home Improvement Program to Increase the Maximum Assistance Level to \$50,000.00, Change the Loan Repayment Schedule and Change the Program Name to the Home Improvement Loan Program
5. [M&C G-17219](#) - Approve Temporary Street Closures for Portions of Country Club Circle, Mockingbird Lane, Mockingbird Court, Cantey Street and Rogers Avenue from May 16, 2011 through May 22, 2011 to Accommodate the Crowne Plaza Invitational at Colonial Golf Tournament (COUNCIL DISTRICT 9)

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

D. Land

1. [M&C L-15143](#) - Authorize Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, LLC, for a Natural Gas Pipeline Across City-Owned Property in the William R. Loving Survey and S.P. Loving Survey Also Known as the Berry Yuma Yard Located at 3250 Yuma Street for a Twenty Year Term at a Cost of \$44,083.31 and Temporary Access at a Cost of \$4,000.00 for a Term of One-Hundred Twenty Days (COUNCIL DISTRICT 8) **(Continued from a Previous Meeting)**
2. [M&C L-15149](#) - Conduct Public Hearing and Authorize the Use of a Portion of the Subsurface of Stratford Park for the Purpose of Installing an Eight Inch Sanitary Sewer Line (COUNCIL DISTRICT 8) **(PUBLIC HEARING)**
 - a. Report of City Staff
 - b. Citizen Presentations
 - c. Council Action

E. Planning & Zoning

1. [M&C PZ-2929](#) - Adopt Amendment to the Joint Resolution and Agreement City Secretary Contract No. 15651 with the City of Haslet to Adjust the Extraterritorial Jurisdiction Boundary,

Termination of City Secretary Contract Nos. 17674, 32226, and 33616, and Authorize Execution of an Interlocal Agreement Between the Cities of Fort Worth and Haslet and the Trinity River Authority for Construction of Certain Wastewater Collection Mains and the Transportation of Wastewater (COUNCIL DISTRICT 7)

F. Award of Contract

1. [M&C C-24724](#) - Authorize the City Manager to Sign a Notice of Quiet Zone Establishment Certification for the Creation of the Hemphill West Quiet Zone that Includes Burlington Northern Santa Fe Railway Company Crossings at Lipscomb Street, Capps Avenue, Hemphill Street and Page Street and Authorize the City Manager to Enter Into an Agreement with Burlington Northern Santa Fe Railway Company for Railroad Signal Upgrades in the Amount of \$382,618.00 (COUNCIL DISTRICT 9) **(Continued from a Previous Meeting)**
2. [M&C C-24756](#) - Authorize Execution of a Universal Agreement for Telecommunications Services with AT&T for the Information Technology Solutions Department Using a State of Texas Department of Information Resources Contract at an Annual Cost Not to Exceed \$2,400,000.00
3. [M&C C-24757](#) - Authorize Execution of Public Right-of-Way Use Agreements Granting Quicksilver Resources, Inc., a License to Construct and Operate One Saltwater Pipeline Across Litsey Road, East of Elizabethtown Cemetery Road, and Across Elizabethtown Cemetery Road, North of Litsey Road, and Granting Cowntown Pipeline Partners, L.P., a License to Construct and Operate One Natural Gas Pipeline in the Same Locations (COUNCIL DISTRICT 2)
4. [M&C C-24758](#) - Authorize Execution of Public Right-of-Way Use Agreements Granting Quicksilver Resources, Inc., a License to Construct and Operate One Saltwater Pipeline Across Elizabethtown Cemetery Road, South of Eagle Parkway, and Granting Cowntown Pipeline Partners, L.P., a License to Construct and Operate One Natural Gas Pipeline in the Same Location (COUNCIL DISTRICT 2)
5. [M&C C-24759](#) - Authorize the Sixth Renewal of an Agreement with Aetna Life Insurance Company for Administration of the City's Self-Funded Group Health Benefits Program with Estimated Administrative Fees, Stop Loss Insurance Premiums, and Premiums for the Fully-Funded Medicare Advantage Plan Totaling \$6,150,300.00
6. [M&C C-24760](#) - Authorize Execution of Amendment No. 3 to City Secretary Contract No. 38892, an Advance

Funding Agreement with the Texas Department of Transportation, to Reduce the Advance Funding Amount from \$12,000,000.00 to \$9,357,053.00 Based on Actual Bid Received on December 8, 2010 for the Replacement of the West Seventh Street Bridge

7. [M&C C-24761](#) - Authorize Execution of a Contract in the Amount of \$1,447,860.00 with Conatser Construction TX, LP, for Water and Sanitary Sewer Replacement Contract 2004, WSM-L on Ramey Avenue and Millet Avenue and Adopt Appropriation Ordinance (COUNCIL DISTRICT 5)
8. [M&C C-24762](#) - Authorize Execution of a Contract in the Amount of \$1,078,537.00 with Conatser Construction TX, LP, for Water and Sanitary Sewer Replacement Contract 2005, WSM-E on Ewing Avenue, Kirkwood Road, Llano Avenue and San Marcos Drive and Adopt Appropriation Ordinance (COUNCIL DISTRICT 3)
9. [M&C C-24763](#) - Authorize Amendment No. 1 to City Secretary Contract No. 39704, a Community Facilities Agreement with XTO Energy Inc., to Add City Participation in the Amount of \$17,686.51 for Construction of Water Main to Serve the Hemphill Heights Neighborhood (COUNCIL DISTRICT 9)

XV. ZONING HEARING

1. **Zoning Docket No. ZC-10-183 - (CD-ALL)** - City of Fort Worth Planning and Development: Text Amendment, Mixed Use Districts Amendment: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth to Amend:
 - **ZC-10-183A.** Article 9 "Residential Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.902, "Low Intensity Mixed-Use" (MU-1) District and establish Development Standards for the district; amending Chapter 9 to add definitions related to Low Intensity Mixed-Use District(MU1);
 - **ZC-10-183B.** Article 9 "Residential Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.903, "Low Intensity Greenfield Mixed-Use" (MU-1G) District and establish Development Standards for the District; Amending Chapter 9 to add definitions related to Low Intensity Greenfield Mixed-Use District (MU1-G);
 - **ZC-10-183C.** Article 10 "Industrial Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.1001, "High Intensity Mixed-Use" (MU-2) District and establish Development Standards for the District (MU2);
 - **ZC-10-183D.** Article 10 "Industrial Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.1002, "High Intensity Greenfield Mixed-Use" (MU-

2G) District and establish Development Standards for the District (MU2-G); **(Recommended for Approval)**
(Continued from a Previous Meeting)

2. **Zoning Docket No. ZC-11-017 - (CD 5) - Fort Worth Area Habitat for Humanity, 3609 Garrett Street; from: "AG" Agricultural to: "A-5" One-Family (Recommended for Approval)**

XVI. CITIZEN PRESENTATIONS

1. Mr. Joe Don Brandon, P.O. Box 1155, "Disabled Seating for City Council Chamber/Homeless Community Issues"

XVII. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER)

XVIII. ADJOURNMENT

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

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**CITY COUNCIL
Legislative and Intergovernmental Affairs Committee
Agenda**

**Tuesday, March 1, 2011
11:00 a.m.
Pre-Council Chambers
1000 Throckmorton Street
Fort Worth, Texas**

Councilmember Carter Burdette, Chair
Councilmember Jungus Jordan, Vice Chair

Councilmember Frank Moss
Councilmember Joel Burns

Tom Higgins, Interim City Manager
Shirley Little, Manager, Government Relations
TJ Patterson, Government Relations
Christa R. Reynolds, Sr. Assistant City Attorney
Evonia Daniels, Staff Liaison

I CALL TO ORDER

II APPROVAL OF MINUTES FROM JANUARY 19, 2011

III ACTION ITEM

- A. DISCUSSION AND RECOMMENDATION ON AIR QUALITY MONITORING STATIONS AND RESOLUTION ADOPTING SUCH PROGRAM-(MICHAEL GANGE, TRANSPORTATION AND PUBLIC WORKS ASSISTANT DIRECTOR) *20 MINUTES*
- B. DISCUSSION AND RECOMMENDATION ON SOBRIETY CHECKPOINT LEGISLATION ADDED TO THE 2011 TEXAS LEGISLATIVE PROGRAM AS A SUPPORT ITEM-(LT. PAUL HENDERSON, FORT WORTH POLICE DEPARTMENT AND MONICA WOOD, ASSISTANT CITY ATTORNEY) *10 MINUTES*

IV BRIEFING

- A. GAS DRILLING PERMIT LEGISLATION FILED BY REP. LON BURNAM (HB 1556)- (RANDLE HARWOOD, PLANNING AND DEVELOPMENT DIRECTOR) *5 MINUTES*
- B. FEDERAL FUNDING UPDATE- (SHIRLEY LITTLE, GOVERNMENT RELATIONS MANAGER) *10 MINUTES*
 - 1. TOWER 55
 - 2. CDBG
 - 3. WORKFORCE INVESTMENT ACT (WIA)

V REQUEST FOR FUTURE AGENDA ITEMS

- A. THE NEXT MEETING IS SCHEDULED FOR APRIL 5, 2011, AT 11:00 A.M. IN PRE-COUNCIL CHAMBERS

VI EXECUTIVE SESSION

THE LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MAY HOLD A CLOSED MEETING TO SEEK ADVICE FROM LEGAL COUNSEL ON ANY ITEMS ON THIS AGENDA PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071.

VII ADJOURN

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

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CITY COUNCIL
Legislative and Intergovernmental Affairs Committee
Minutes
Wednesday, January 19, 2011

COUNCIL MEMBERS IN ATTENDANCE: Councilmember Carter Burdette (Chairman), Councilmember Jungus Jordan, Councilmember Frank Moss and Councilmember Joel Burns.

The Legislative and Intergovernmental Affairs Committee was called to order by Chairman Carter Burdette at 10:05 a.m.

Chairman Burdette called for a motion for approval of the November 15, 2010 minutes. The motion was made by Councilmember Jungus Jordan and the motion was seconded by Councilmember Frank Moss. The minutes were approved.

ACTION ITEMS

- A. The committee discussed and recommended adopting the proposed 2011 Federal Legislative Program Resolution. Chairman Burdette called for a motion for approval of the resolution. The motion was made by Councilmember Jungus Jordan and seconded by Councilmember Frank Moss and passed.
- B. The committee discussed and recommended adopting the proposed 2011 TML State Legislative Program Resolution. Chairman Burdette called for a motion for approval of the resolution. The motion was made by Councilmember Joel Burns and seconded by Councilmember Frank Moss and passed.

BRIEFINGS

- A. Lt. Paul Henderson with the Fort Worth Police Department and Monica Wood, Assistant City Attorney briefed the committee on Sobriety Checkpoint Legislation filed by Representative Todd Smith, Arlington.

General Overview of Proposed Legislation

- Checkpoints cannot be conducted by cities with a population of less than 250,000.
- Before a checkpoint can be conducted, the procedures to be used must be approved by the mayor of a municipality.
- The department must record in writing and post to its internet site the procedures used in selecting the site for the checkpoint, and those to be used in operation of each sobriety checkpoint.
- The fact that a city would be conducting a checkpoint would be published in advance. The dates and times during which the checkpoints would be conducted would be publicized, although the exact geographic location of the checkpoint would not.

- Checkpoints would be located based on number of alcohol-related traffic accidents occurring in an area, and without regard to the ethnic or socioeconomic characteristics of the area.
- Proper marking of the checkpoint is required to ensure that operators can slow to a safe speed when entering the area.
- Unless the officer has reasonable suspicion that a person has committed a criminal offense, the inquiry of a person should not take longer than 3 minutes, and the total time spent in passing through the checkpoint should take no longer than 10 minutes, although efforts should be made to reduce these times to 1 and 5 minutes respectively.
- Checkpoints may not be conducted in excess of four hours.
- Checkpoints may not be conducted in the same location (or within a one-mile radius) more than once in a 12-month period.
- Video and audio recording of encounters must be made and retained.
- Protections are in place to ensure that officers are concentrating on identifying intoxicated persons rather than any and all criminal offenses.
- Officers must be able to articulate reasonable suspicion of a crime before inquiring into financial responsibility or licensing.
- Additionally, officers must be able to at least articulate grounds for reasonable suspicion that a person is driving while intoxicated before requiring an operator to perform a field sobriety test.
- Written records related to the checkpoints must be maintained for at least five years and audio and video recordings must be maintained for at least two years.
- The City must submit annual reports to the Texas Department of Transportation regarding the operation of checkpoints.

CFW's Suggested Changes to the Proposed Legislation

- Suggest that section 65.04 (a)(3) require approval by the city council rather than by the mayor of the procedures to be used in the operation of a sobriety checkpoint.
- Suggest that section 65.04 (c) be clarified. These checkpoints are generally conducted by stopping cars according to their numeric appearance, i.e., every fifth car. This description of how to determine which cars to stop is confusing and even conflicting. A possible rewrite would be to state that "[t]he procedures for the operation of a sobriety checkpoint must ensure that the selection of the motor vehicles to be stopped is numerically based or conducted in some other established and predictable way so as not to allow for any type of profiling."
- Section 65.04 (m) (5) needs to be amended so as to require recording the badge number of the officers working the checkpoints as well as their names since we have several officers of the same name on our force.
- Section 65.05 (a) needs to further explain what information needs to be included in the report to be submitted to the Texas Department of Transportation.

The committee members discussed the legislation and asked questions. Chairman Burdette asked the Committee members if they wanted to add the legislation as a support item with the city's program. The committee agreed to take a vote at the next Legislative and Intergovernmental Affairs Committee meeting. Monica Wood, Assistant City Attorney commented that the city should support the bill even if the suggested changes were not made.

Shirley Little, Government Relations Manager discussed the timeline for the Council legislative meetings in Washington, DC. In the past, the visits were done in conjunction with the National League of Cities Conference. Due to the amount of constituents also trying to get appointments with legislators during the conference, it was suggested to schedule the trip for another time when Congress was in Washington, DC. The suggested dates are:

- March 9 and 10
- April 5, 6, and 7
- April 13, 14, 15- (top choice)

The committee decided on April 13, 14, and 15th.

There being no further business, the Committee adjourned at 10:40 a.m.

A Resolution

NO. _____

IN SUPPORT OF STATE LEGISLATION TO EXPAND AIR MONITORING ACTIVITIES IN THE BARNETT SHALE REGION

WHEREAS the public has raised concerns about incremental levels of Volatile Organic Compounds (VOC) and Hazardous Air Pollutants (HAPs) from natural gas development, production and operation; and

WHEREAS the effective monitoring of VOCs and HAPs in the ambient air requires additional monitoring equipment which is expensive to install, operate, and maintain; and

WHEREAS the Texas Commission on Environmental Quality (TCEQ) is seeking to expand its current monitoring network to include eight additional VOC/HAP monitors, but only has current funding for four of those eight monitors; and

WHEREAS TCEQ is required by federal law (40 CFR 70.9) and by state law (Texas Health and Safety Code, Section 382.0621) to collect sufficient revenues from annual operating permit fees to fund its permit program costs, including the cost of installing, operating and maintaining its air monitoring network; and

WHEREAS revenues from operating permit fees are currently insufficient to cover the cost of TCEQ's permit program obligations and this funding gap is projected to continue into the future as a result of a statutory cap on operating permit fees for sources emitting more than 4,000 tons of pollutants per year; and

WHEREAS federal and state law requires ambient air monitoring to be funded through air permit annual operating fees; and

WHEREAS the City of Fort Worth is concerned about the appropriateness and legality of diverting Texas Emission Reduction Plan (TERP) funds, which are intended to achieve actual reduction in the emission of air pollutants;

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

1.

The City of Fort Worth supports expansion of the TCEQ air monitoring network to provide accurate, representative, and timely results to residents of the Barnett Shale region as proposed in Senate Bills 102 and 527 and House Bill 1145.



2.

The Fort Worth City Council requests the City Manager or his designee to assist TCEQ with site selection for any new monitors as well as to support the long-term operation of new and existing monitors.

3.

The City of Fort Worth supports a one-time allocation of TERP funds to expand the air monitoring network in the Barnett Shale region, provided that sufficient funds are available and that such an allocation is legally permissible.

4.

The City of Fort Worth urges the Texas Legislature to amend Senate Bills 102 and 527 and House Bill 1145 so as to remove the current exemption from operating permit fees for incremental emissions exceeding 4,000 tons of pollutants per year from any permitted source.

Adopted this _____ day of _____ 2011.

ATTEST:

By: _____

Marty Hendrix, City Secretary





MEMORANDUM

TO: Chair and Members, Legislative and Intergovernmental Affairs Committee

FROM: Monica Wood, Assistant City Attorney

DATE: January 19, 2011

SUBJECT: Overview of Proposed Legislation Regarding Sobriety Checkpoints

Background

- The United States Supreme Court has held that sobriety checkpoints do not violate the Constitution. (*Michigan v. Sitz*, 1990).
- Currently, sobriety checkpoints are not permissible in Texas because we have not adopted any guidelines governing the proper conduct of checkpoints.
- Sobriety checkpoints are currently allowed in 39 of the 50 states, and in DC.
- Sobriety checkpoints allow a small number of officers to effectively deter driving under the influence since they can be safely operated by five or fewer officers.
- The primary role of the sobriety checkpoints are to deter rather than to arrest.
- In 2008, Texas led the nation in alcohol related deaths.
- In 2009, the City of Arlington submitted a resolution to encourage the legislature to study additional law enforcement techniques that could be utilized to combat driving while intoxicated.
- TML supported this resolution.

The Proposed Legislation

- HB 439, Proposed by Todd Smith, Arlington (attached)

General Overview of Proposed Legislation

- Checkpoints cannot be conducted by cities with a population of less than 250,000.
- Before a checkpoint can be conducted, the procedures to be used must be approved by the mayor of a municipality.

- The department must record in writing and post to its internet site the procedures used in selecting the site for the checkpoint, and those to be used in the operation of each sobriety checkpoint.
- The fact that a city would be conducting a checkpoint would be published in advance. The dates and times during which the checkpoints would be conducted would be publicized, although the exact geographic location of the checkpoint would not.
- Checkpoints would be located based on number of alcohol-related traffic accidents occurring in an area, and without regard to the ethnic or socioeconomic characteristics of the area.
- Proper marking of the checkpoint is required to ensure that operators can slow to a safe speed when entering the area.
- Unless the officer has reasonable suspicion that a person has committed a criminal offense, the inquiry of a person should not take longer than 3 minutes, and the total time spent in passing through the checkpoint should take no longer than 10 minutes, although efforts should be made to reduce these times to 1 and 5 minutes respectively.
- Checkpoints may not be conducted in excess of four hours.
- Checkpoints may not be conducted in the same location (or within a one-mile radius) more than once in a 12-month period.
- Video and audio recording of encounters must be made and retained.
- Protections are in place to ensure that officers are concentrating on identifying intoxicated persons rather than any and all criminal offenses.
- Officers must be able to articulate reasonable suspicion of a crime before inquiring into financial responsibility or licensing.
- Additionally, officers must be able to at least articulate grounds for reasonable suspicion that a person is driving while intoxicated before requiring an operator to perform a field sobriety test.
- Written records related to the checkpoints must be maintained for at least five years and audio and video recordings must be maintained for at least two years.
- The City must submit annual reports to the Texas Department of Transportation regarding the operation of checkpoints.

CFW's Suggested Changes to the Proposed Legislation

- Suggest that section 65.04 (a)(3) require approval by the *city council* rather than by the *mayor* of the procedures to be used in the operation of a sobriety checkpoint.
- Suggest that section 65.04(c) be clarified. These checkpoints are generally conducted by stopping cars according to their numeric appearance, i.e., every fifth car. This description of how to determine which cars to stop is confusing and even conflicting. A possible rewrite would be to state that "[t]he procedures for the operation of a sobriety checkpoint must ensure that the selection of the motor vehicles to be stopped is numerically based or conducted in some other established and predictable way so as not to allow for any type of profiling."

- Section 65.04 (m)(5) needs to be amended so as to require recording the badge number of the officers working the checkpoints as well as their names since we have several officers of the same name on our force.
- Section 65.05(a) needs to further explain what information needs to be included in the report to be submitted to the Texas Department of Transportation.

FILED DEC 16 2010

By: 

H.B. No. 439

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Department of Public Safety of the
3 State of Texas and certain local law enforcement agencies to
4 establish a checkpoint on a highway or street to determine whether
5 persons are driving while intoxicated.

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

7 SECTION 1. Title 1, Code of Criminal Procedure, is amended
8 by adding Chapter 65 to read as follows:

9 CHAPTER 65. SOBRIETY CHECKPOINTS

10 Art. 65.01. DEFINITIONS. In this chapter:

11 (1) "Department" means the Department of Public
12 Safety.

13 (2) "Highway or street" and "limited-access or
14 controlled-access highway" have the meanings assigned by Section
15 541.302, Transportation Code.

16 (3) "Law enforcement agency" means:

17 (A) the department;

18 (B) the sheriff's department of a county with a
19 population of 250,000 or more; or

20 (C) the police department of a municipality with
21 a population of 500,000 or more.

22 (4) "Sobriety checkpoint" means a checkpoint
23 authorized under Article 65.02.

24 Art. 65.02. AUTHORIZATION FOR SOBRIETY CHECKPOINTS.

1 (a) Except as provided by Subsections (b) and (c), a law
2 enforcement agency may operate on a highway or street a temporary
3 sobriety checkpoint as provided by this chapter to determine
4 whether persons operating motor vehicles on the highway or street
5 are intoxicated and in violation of Section 49.04 or 49.045, Penal
6 Code.

7 (b) A sobriety checkpoint may not be operated on:

- 8 (1) a limited-access or controlled-access highway;
9 (2) an overpass;
10 (3) a bridge or causeway; or
11 (4) the single ingress to or egress from a designated
12 area.

13 (c) The department may not operate a sobriety checkpoint in
14 a county with a population of less than 250,000.

15 Art. 65.03. LAW ENFORCEMENT AGENCY COORDINATION. Each law
16 enforcement agency shall coordinate efforts with other law
17 enforcement agencies as appropriate to implement this chapter.

18 Art. 65.04. APPROVAL OF AND PROCEDURES FOR SOBRIETY
19 CHECKPOINTS. (a) Before a law enforcement agency begins the
20 operation of a sobriety checkpoint, the procedures to be used in the
21 operation of the checkpoint must be approved by:

22 (1) a captain for the Texas Highway Patrol, in the case
23 of a checkpoint operated by the department;

24 (2) the elected sheriff of a county, in the case of a
25 checkpoint operated by the sheriff's department of the county; or

26 (3) the mayor of a municipality, in the case of a
27 checkpoint operated by the police department of the municipality.

1 **(b) The law enforcement agency must record in writing and**
2 **publish on an appropriate publicly accessible Internet website the**
3 **procedures:**

4 **(1) used in selecting each site for a sobriety**
5 **checkpoint; and**

6 **(2) to be used in the operation of each sobriety**
7 **checkpoint, including procedures regarding the selection of motor**
8 **vehicles to be stopped.**

9 **(c) The procedures for the operation of a sobriety**
10 **checkpoint must ensure that the selection of motor vehicles to be**
11 **stopped is reasonably predictable and nonarbitrary.**

12 **(d) The criteria for selecting the location for a sobriety**
13 **checkpoint must include the number of traffic accidents in the**
14 **vicinity of the location in which the use of alcohol was a factor**
15 **and that occurred in the preceding 12 months and the number of**
16 **arrests for intoxication-related offenses in that vicinity in the**
17 **preceding 12 months. The selection of the location of a sobriety**
18 **checkpoint must be made without regard to the ethnic or**
19 **socioeconomic characteristics of the area in which the checkpoint**
20 **is located.**

21 **(e) The law enforcement agency, in establishing the**
22 **location, time, and design of a sobriety checkpoint, shall consider**
23 **the safety of the public entering the checkpoint and the peace**
24 **officers operating the checkpoint. The law enforcement agency**
25 **shall make reasonable efforts to place signs or other devices to**
26 **advise operators of oncoming motor vehicles of the sobriety**
27 **checkpoint and the purpose of the checkpoint, to demarcate the**

1 checkpoint with flares, flags, or traffic cones, and to otherwise
2 illuminate the checkpoint as necessary.

3 (f) The peace officer who makes the initial traffic
4 directive or other communication with the operator of a motor
5 vehicle at the sobriety checkpoint must be wearing a uniform of the
6 law enforcement agency that is distinguishable from civilian dress.

7 (g) The law enforcement agency shall establish procedures
8 governing the encounters between motor vehicle operators and the
9 peace officers to ensure that:

10 (1) a video and audio recording is made of each
11 encounter;

12 (2) intrusion on the operator is minimized; and

13 (3) an inquiry is reasonably related to determining
14 whether the operator is intoxicated and in violation of Section
15 49.04 or 49.045, Penal Code.

16 (h) Notwithstanding Section 521.025 or 601.053,
17 Transportation Code, or Section 411.205, Government Code, a peace
18 officer may not request a person operating a motor vehicle at the
19 sobriety checkpoint to display the person's driver's license or
20 concealed handgun license or to furnish evidence of financial
21 responsibility unless the officer has reasonable suspicion or
22 probable cause to believe that the person has committed or is
23 committing an offense. A peace officer may not direct the operator
24 of a motor vehicle to leave the vehicle or move the vehicle off the
25 highway or street or routine sobriety checkpoint diversion route
26 unless the officer has reasonable suspicion or probable cause to
27 believe that the person has committed or is committing an offense.

1 The design of a sobriety checkpoint may require that each motor
2 vehicle passing through the checkpoint be diverted to a location
3 adjacent to the highway or street to ensure safety.

4 (i) A peace officer at the sobriety checkpoint may not
5 require a motor vehicle operator to perform a sobriety test unless
6 the officer has reasonable suspicion or probable cause to believe
7 that the operator is in violation of Section 49.04 or 49.045, Penal
8 Code. A peace officer who requires or requests an operator to
9 provide a specimen of breath, blood, or urine must comply with
10 Chapter 724, Transportation Code.

11 (j) Unless a peace officer has reasonable suspicion or
12 probable cause to detain a motor vehicle operator for a criminal
13 offense, the time during which an officer makes an inquiry of an
14 operator should not exceed three minutes, and the total time during
15 which the operator must wait to pass through the checkpoint should
16 not exceed 10 minutes. The law enforcement agency shall make
17 reasonable efforts to reduce these periods to not more than one and
18 five minutes, respectively.

19 (k) Before beginning the operation of a sobriety
20 checkpoint, the law enforcement agency shall publicize through the
21 use of the media the date and time for the operation of the
22 checkpoint but is not required to disclose the location of the
23 checkpoint.

24 (l) A law enforcement agency may not operate a sobriety
25 checkpoint at one location for more than four hours and may not
26 operate a checkpoint at the same location more than once in a
27 12-month period. For the purposes of this subsection, sobriety

1 checkpoints located within one mile of each other are considered to
2 be at the same location.

3 (m) A law enforcement agency shall maintain until at least
4 the fifth anniversary of the date on which the agency concludes the
5 operation of a sobriety checkpoint a record of the operation of the
6 checkpoint that contains:

7 (1) the date, time, location, and duration of the
8 checkpoint;

9 (2) the procedures used in selecting the site for the
10 checkpoint;

11 (3) the number and characteristics of motor vehicles
12 stopped at the checkpoint;

13 (4) the number and nature of arrests made and
14 citations issued at the checkpoint; and

15 (5) the identities of the peace officers operating the
16 checkpoint.

17 (n) A law enforcement agency shall maintain until at least
18 the second anniversary of the date on which the agency concludes the
19 operation of a sobriety checkpoint any video or audio recording
20 made under Subsection (g)(1) of an encounter between a motor
21 vehicle operator and a peace officer at the checkpoint.

22 Art. 65.05. REPORT ON EFFECTIVENESS OF CHECKPOINTS.

23 (a) Not later than January 15 of each calendar year, each law
24 enforcement agency that operated a sobriety checkpoint during the
25 preceding calendar year shall report the operation of the
26 checkpoint to the traffic safety section of the traffic operations
27 division of the Texas Department of Transportation.

1 **(b) The traffic operations division is entitled to inspect**
2 **any information in the possession of the law enforcement agency**
3 **that relates to the operation of a sobriety checkpoint by the**
4 **agency.**

5 **(c) Not later than February 1, 2017, the traffic operations**
6 **division shall submit a report on the effectiveness of sobriety**
7 **checkpoints operated under this chapter to the governor, the**
8 **lieutenant governor, and the speaker of the house of**
9 **representatives.**

10 **Art. 65.06. EXPIRATION. This chapter expires August 31,**
11 **2017.**

12 **SECTION 2.** A law enforcement agency authorized to operate a
13 sobriety checkpoint under Chapter 65, Code of Criminal Procedure,
14 as added by this Act, shall submit the first report required by
15 Article 65.05 of that chapter not later than January 15, 2012.

16 **SECTION 3.** This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2011.

Bill Number: TX82RHB 1556

Filed: 02-21-2011

Author: Burnam

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the issuance of a drilling permit for an oil or gas well that is proposed to be located within a specified distance of a public school.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.027 to read as follows:

Sec. 38.027. PROHIBITION ON PERMIT FOR OIL OR GAS WELL TO BE LOCATED NEAR PUBLIC SCHOOL. The Railroad Commission of Texas may not issue a drilling permit for an oil or gas well that is proposed to be located less than 1,200 feet from a public school.

SECTION 2. The change in law made by this Act applies only to a drilling permit the application for which is filed with the Railroad Commission of Texas on or after the effective date of this Act. A drilling permit the application for which is filed with the commission before the effective date of this Act is subject to the law in effect on the date the application is filed, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2011.

FORT WORTH LOCAL DEVELOPMENT CORPORATION

AGENDA

**Tuesday, March 1, 2011
2:30 p.m.**

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

Board of Directors

Frank Moss, President
Danny Scarth, Vice-President
Carter Burdette, Secretary

Zim Zimmerman, Treasurer
Joel Burns, Trustee
Kathleen Hicks, Trustee

Mike Moncrief, Trustee
Jungus Jordan, Trustee
Salvador Espino, Trustee

Staff Liaison: Susan Alanis, Assistant City Manager

-
1. **Call to Order** – Frank Moss, President
 2. **Approval of Minutes from the Meeting Held on December 7, 2010** – Frank Moss
 3. **Written Reports** – Frank Moss
 - A. Financial Report through January 31, 2011
 4. **Adopt Resolution Authorizing Loan to Oliver's Fine Foods, Inc. for Conversion of Leased Space at 415 Throckmorton Street to a Neighborhood Grocery Store** – Robert Sturns, Manager, Housing and Economic Development Department
 5. **Executive Session:** The Fort Worth Local Development Corporation's Board of Trustees will conduct a closed meeting to:
 - A. Seek the advice of its attorneys concerning the following items that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code: (i) legal issues concerning any current agenda item; and
 - B. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and
 - C. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

6. **Requests for Future Agenda Items** – Frank Moss
7. **Adjourn** – Frank Moss

This facility is wheelchair accessible. For accommodations or sign interpretation services, please call the Housing and Economic Development Department 48 hours in advance at 817-392-7316.

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
TUESDAY, DECEMBER 7, 2010**

Present:

President Frank Moss
Vice President Danny Scarth
Secretary Carter Burdette
Treasurer W.B. “Zim” Zimmerman
Director Mike Moncrief
Director Salvador Espino
Director Jungus Jordan
Director Joel Burns (Arrived at 1:28 p.m.)

Absent

Director Kathleen Hicks

City staff:

Susan Alanis, Assistant City Manager
Peter Vaky, Senior Assistant City Attorney
Ron Gonzales, Assistant City Secretary
Cynthia Garcia, Assistant Director, Housing & Economic Development Department
Jean Petr, Gas Lease Program Manager, Planning & Development Department

Other City staff in attendance included:

Marty Hendrix, City Secretary
Jay Chapa, Director, Housing & Economic Development Department
Mark Folden, Housing Program Manager, Housing & Economic Development Department
Henry Day, Senior Management Analyst, Housing & Economic Development Department
Christopher Mosley, Assistant City Attorney

Call to Order

(Agenda Item 1)

With a quorum of the Board Members present, President Moss called the called - special session to order for the Board of Directors of the Fort Worth Local Development Corporation (Corporation) at 1:15 p.m. on Tuesday, December 7, 2010, in the Pre-Council Chamber of the Fort Worth Municipal Building, 1000 Throckmorton Street, Fort Worth, Texas, with Director Burns temporarily absent and Director Hicks absent.

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
TUESDAY, DECEMBER 7, 2010
Page 2**

**Approval of Minutes from Meeting held on
September 14, 2010**

(Agenda Item 2)

President Moss opened the floor for a motion on the minutes.

MOTION: Upon a motion made by Director Moncrief and seconded by Director Zimmerman, the Board of Directors of the Fort Worth Local Development Corporation voted unanimously seven (7) “ayes” and zero (0) “nays”, with Director Burns temporarily absent and Director Hicks absent, to approve the minutes of the September 14, 2010, meeting of the Fort Worth Local Development Corporation. The motion carried.

**Written Reports-Consideration of Financial
Report**

(Agenda Item 3A)

President Moss referenced the following financial report:

The Balance Sheet dated October 31, 2010 (Unaudited), for the Corporation as follows:

Assets		
	Cash and cash equivalents	\$2,135,513.70
	Interest	
	Receivable	6,212.05
	Accounts Receivable (1)	<u>390,000.00</u>
	Total Assets	<u><u>\$2,531,725.75</u></u>
Liabilities and Fund Balance		
	Accounts and Contracts Payable	<u>0.00</u>
	Total Liabilities	0.00
Fund Balance (Deficit)		
	Designated for Authorized Expenditures	\$2,492,627.92
	Net Income	39,097.83
	Undesignated	<u>0.00</u>
	Total Fund Balance	2,531,725.75
	Total Liabilities and Fund Balance	<u><u>\$2,531,725.75</u></u>

(1) All Accounts Receivable are from City of Fort Worth

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
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Page 3**

Consideration of Financial Report (cont'd)

(Agenda Item 3A)

The Statement of Revenues and Expenditures from October 1, 2010, through October 31, 2010 (Unaudited), for the Corporation as follows:

Revenues		
Property Tax Reimbursement	\$655.72	
Revenue from Rents	28,177.39	
Gas Lease Bonus	0.00	
Gas Lease Royalties	14,786.05	
HUD Loan Administration Fee	0.00	
Interest Income	2,079.89	
Change in Fair Value of Investments	0.00	
Other Revenue	0.00	
Total Revenue		\$45,699.05
Expenditures		
Bank Charges	\$47.40	
Contractual Services	0.00	
Insurance	(1,289.25)	
Property Management	1,127.10	
Property Purchase	0.00	
Property Taxes	0.00	
Repairs	3,053.84	
Security System	431.91	
Storm Water Utility	2,636.25	
Transfers to City	0.00	
Utilities	593.97	
Total Expenditures		\$6,601.22
Excess (Deficiency) of Revenues Over (Under) Expenditures		<u>\$39,097.83</u>

The Schedule of Available Funds dated October 31, 2010 (Unaudited), for the Corporation as follows:

Total Cash at October 31, 2010		\$2,135,513.70
	Cash in Property Management Account	(45,239.32)
Cash available in City account		<u>2,090,274.38</u>

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
TUESDAY, DECEMBER 7, 2010
Page 4**

Consideration of Financial Report (cont'd)

(Agenda Item 3A)

Commitments		
	Remediation of 1108 E. Berry	\$150,000.00
	Evans & Rosedale Enhanced CFA	\$698,508.29
	Survey Expenses	\$6,250.00
Reserves		
	Maintenance Reserve	100,000.00
	Property Tax Reserve	100,000.00
Total Commitments & Reserves		<u>1,054,758.29</u>
Unrestricted Cash Available		<u><u>\$1,035,516.09</u></u>

The Schedule of Available Funds noted that on August 21, 2007, \$275,000.00 was transferred to the City (M&C C-22334) with the understanding that it would be paid back when properties along Lancaster are sold. The transfer was made to fund an art sculpture on Lancaster Avenue. On December 18, 2007, \$162,000.00 was transferred to the City (M&C C-22592) with the understanding that it would be paid back when properties along Lancaster are sold. The transfer was made to fund survey services and improvements on Lancaster Avenue. In September of 2008, \$92,321.91 of the \$162,000.00 was returned to the LDC.

President Moss opened the floor for discussion and/or comments on these reports. There was no discussion or formal action on the reports and the reports were accepted as presented.

**Adopt Resolution to Ratify an Easement
with Oncor Electric Delivery Company,
LLC, to Provide Electric Service to A&R
Transport, Inc., for Property at 4600 Blue
Mound Road**

(Agenda Item 4)

Ms. Cynthia Garcia, Assistant Director, Housing and Economic Development, addressed the Corporation regarding the proposed resolution. Using a PowerPoint presentation, Ms. Garcia began her staff report by displaying an aerial view of the property and reminded the members that the property at 4600 Blue Mound Road was owned by the Corporation and leased to A&R Transport, Inc., for their parking lease and truck wash. She displayed another aerial view that provided a closer image of the location and advised the Corporation of the lease and request by A&R Transport, Inc., as follows:

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
TUESDAY, DECEMBER 7, 2010
Page 5**

**Adopt Resolution to Ratify an Easement
with Oncor Electric Delivery Company,
LLC, to Provide Electric Service to A&R
Transport, Inc., for Property at 4600 Blue
Mound Road (cont'd)**

(Agenda Item 4)

- In April 2010, the LDC approved a 5-year lease with A&R Transport, Inc., in order to operate a truck wash
 - Rent of \$4,398.87 per month for the first year; \$4,604.15 per month for the second year; and \$4,809.44 for the remainder of the initial lease term and renewal term.
 - A&R pays for all utilities, cleaning, security, lighting, fences and gates, repairs and maintenance.
 - A&R takes the property “As-Is” except that the LDC must repair the existing drainage and sewer pipes within 60 days of execution.
- In order to operate their truck wash, A&R requested that the LDC grant an easement to Oncor in order to provide electricity to the building located on the property.

Ms. Garcia displayed a photograph of the building and advised that A&R Transport, Inc., had made improvements to the property since the photograph was taken. She also provided a slide that depicted the survey of the property with the location of the easement reflected in yellow. She concluded her presentation by stating that the staff recommended the Corporation ratify the grant of the easement to Oncor to allow A&R Transport, Inc., the capability operating their truck wash.

President Moss opened the floor for discussion on this issue.

There being no discussion, President Moss opened the floor for a motion.

MOTION: Upon a motion made by Director Jordan and seconded by Director Moncrief, the Board of Directors of the Fort Worth Local Development Corporation voted unanimously seven (7) “ayes” and zero (0) “nays”, with Director Burns temporarily absent and Director Hicks absent, to approve and adopt Resolution No. FWLDC-2010-06. The motion carried.

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
TUESDAY, DECEMBER 7, 2010
Page 6**

**Adopt Resolution Authorizing an
Underground Pipeline License Agreement
with Texas Midstream Gas Services, L.L.C.,
for a Natural Gas Pipeline Under Property
Located at 1776 E. Berry**

(Agenda Item 5)

Ms. Jean Petr, Gas Lease Program Manager, Planning and Development Department, addressed the Corporation regarding the proposed resolution. Using a PowerPoint presentation, Ms. Petr advised the Corporation of the pipeline agreement for property located at 1776 Berry as follows:

- Natural Gas Pipeline requested by Texas Midstream Gas Services, LLC.
- Proposed route parallels existing natural gas pipeline.
- Water Department and Transportation and Public Works Department reviewed alignments and have no objections.

Ms. Petr's stated that this property would potentially have three (3) natural gas pipelines side-by-side, but for the purpose of this briefing, only one would be discussed at this time. She added that there was an existing pipeline on the property that was granted in 2006 when the property was a tax foreclosed property prior to the acquisition of the Fort Worth Local Development Corporation. She added that the proposed route paralleled the existing 10-inch natural gas pipeline which was east of the property. She advised that this pipeline was being referred to as the "Morrison" pipeline and had been reviewed by the Transportation and Public Works and Water Departments to ensure that there was no difficulty with existing utilities or other facilities that the City owned. She provided the Corporation with the following background information on the Morrison pipeline:

- 8-inch pipeline
- Open cut installation
- No above ground facilities
- Standard license agreement
- Payment of \$15,003.29
 - 317.53FL @ \$47.25/LF
- 20-year term

Ms. Petr presented an aerial view of the proposed pipeline with a color overlay and explained that the existing pipeline was depicted in green, the Morrison pipeline was depicted in red on a yellow background, and a future pipeline was depicted by a dotted red line. She advised that the existing pipeline came from the Masonic well going down to the S&B well site south of 1776

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
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**Adopt Resolution Authorizing an
Underground Pipeline License Agreement
with Texas Midstream Gas Services, L.L.C.,
for a Natural Gas Pipeline Under Property
Located at 1776 E. Berry**

(Agenda Item 5)

Berry. She added that the proposed pipeline would go from the Morrison well which was just south and east of the location to the valve site and pointed out that a future 24-inch pipeline known as the “S&B to Hickman” would go from the Hickman well which was on the north side of the Sycamore Golf Course and go down to the S&B well and Compressor Station. She pointed out that the S&B to Hickman pipeline had not been vetted by the Transportation and Public Works and Water Departments and therefore would be presented to the Corporation upon completion of the vetting process.

President Moss opened the floor for discussion on this issue.

Director Burdette requested clarification of the location of LDC property relative to this pipeline. Ms. Petr advised that the slide was not to scale and therefore did not depict much of the property that was present and made reference to the location of the LDC property on the slide. She pointed out that it appeared that the LDC property was cutting right through the property but that there was a large hill near the location of the proposed pipeline and also advised of an existing sewer line that was present when the property was in tax foreclosure.

Director Burdette asked if the staff had vetted as to what the location of the gas pipelines might do to the future development and value of this property to the LDC as the gas lines had obvious restrictions on what development could be located on the property.

Mr. Jay Chapa, Director, Housing and Economic Development Department, referred to the slide and described the topography of the property as having a rise of 20 to 25 feet and advised that any development to the south or east would be very expensive. He reiterated that there was an existing sewer line and staff determined that any future development would be on the corner of the property.

Director Burdette asked if Mr. Chapa was satisfied that this pipeline would not materially affect any future development and Mr. Chapa responded by stating it would not materially affect anything beyond what was already on the property before it was acquired.

President Moss inquired what the name of the roadway was to the right of the location. Mr. Chapa stated that it was access to what used to be located further down the road.

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
TUESDAY, DECEMBER 7, 2010
Page 8**

**Adopt Resolution Authorizing an
Underground Pipeline License Agreement
with Texas Midstream Gas Services, L.L.C.,
for a Natural Gas Pipeline Under Property
Located at 1776 E. Berry**

(Agenda Item 5)

Director Scarth asked what the size of actual easements at the location was. Ms. Petr stated that she thought the measurement of easements were 15 to 20 feet.

Ms. Petr then advised the Corporation of the future 24-inch pipeline that had not been vetted by City staff and explained the location of the pipeline in relation to Cobb Park. She concluded her presentation with the following staff recommendation:

- Recommend approval of 8-inch Morrison pipeline.
- Staff will bring 24-inch S&B-Hickman pipeline to Corporation for approval in the future.

Director Moncrief noted that the pipeline was in District 8 and inquired if staff had addressed this issue with Director Hicks. Ms. Petr stated that she had visited with Director Hicks and that she also had an e-mail on file that asked Director Burns to make a motion to move forward with the proposed pipeline.

There being no further discussion, President Moss opened the floor for a motion.

MOTION: Upon a motion made by Director Moncrief and seconded by Director Burdette, the Board of Directors of the Fort Worth Local Development Corporation voted unanimously eight (8) “ayes” and zero (0) “nays”, with Director Burns temporarily absent and Director Hicks absent, to approve and adopt Resolution No. FWLDC-2010-07. The motion carried.

(Director Burns arrived at the meeting.)

Executive Session

(Agenda Item7)

In accordance with Chapter 551 of the Texas Government Code, President Moss and the Directors of the Fort Worth Local Development Corporation convened into Executive Session at 1:27 p.m., on Tuesday, December, 7, 2010, in the Pre-Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, in order to:

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
TUESDAY, DECEMBER 7, 2010
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Executive Session (cont'd)

(Agenda Item 7)

- A. Seek the advice of its attorneys concerning the following items that are exempt from public disclosure under Article X, Section 9, of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code: (i) legal issues concerning any current agenda item; (ii) legal issues concerning HIH Acquisitions, LLC, dba American Iron Horse Motorcycle Co., Northern District of Texas Bankruptcy No. 09-42480; and
- B. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and
- C. Discuss or deliberate negotiations related to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

The Executive Session adjourned at 1:35 p.m.

President Moss reconvened from the Executive Session back into the called – special session at 1:36 p.m.

Requests for Future Agenda Items

(Agenda Item 7)

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

Adjourn

(Agenda Item 8)

With no further business before the Board, President Moss adjourned the called – special session of the Fort Worth Local Development Corporation at 1:36 p.m. on Tuesday, December 7, 2010.

These minutes approved by the Fort Worth Local Development Corporation on the ____ day of _____, 2011.

**CITY OF FORT WORTH, TEXAS
FORT WORTH LOCAL DEVELOPMENT CORPORATION
CALLED – SPECIAL SESSION
TUESDAY, DECEMBER 7, 2010
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APPROVED:

Frank Moss
President

ATTEST:

Carter Burdette, Secretary

Prepared and respectfully submitted by:

Ronald P. Gonzales, TRMC/CMC
Assistant City Secretary

Fort Worth Local Development Corporation
Balance Sheet
January 31, 2011
(Unaudited)

Assets

Cash and cash equivalents	\$2,112,090.63
Interest Receivable	9,668.96
Accounts Receivable	<u>7,280.69</u>
Total Assets	<u><u>\$2,129,040.28</u></u>

Liabilities and Fund Balance

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

Fund Balance (Deficit)

Designated for Authorized Expenditures	\$2,492,627.92
Net Income	(363,587.64)
Undesignated	<u>0.00</u>

Total Fund Balance	2,129,040.28
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Total Liabilities and Fund Balance	<u><u>\$2,129,040.28</u></u>
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Fort Worth Local Development Corporation
Statement of Revenues and Expenditures
October 1, 2010 through January 31, 2011
(Unaudited)

Revenues

Property Tax Reimbursement	\$38,390.54	
Revenue from Rents	120,709.56	
Gas Lease Bonus	0.00	
Gas Lease Royalties	44,615.88	
HUD Loan Administration Fee	0.00	
Interest Income	8,226.20	
Change in Fair Value of Investments	0.00	
Other Revenue	0.00	
Total Revenue		\$211,942.18

Expenditures

Bank Charges	\$97.21	
Contractual Services	404,553.39	
Insurance	12,148.50	
Property Management	4,828.40	
Property Purchase	0.00	
Property Taxes	120,315.39	
Repairs	16,353.00	
Security System	2,106.52	
Storm Water Utility	10,545.00	
Transfers to City	0.00	
Utilities	4,582.41	
Total Expenditures		\$575,529.82

Excess (Deficiency) of Revenues Over (Under) Expenditures	<u><u>(\$363,587.64)</u></u>
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Fort Worth Local Development Corporation
Schedule of Available Funds
January 31, 2011
(Unaudited)

Total Cash at January 31, 2011	\$2,112,090.63
Cash in Property Management Account	<u>(11,392.90)</u>
Cash available in City account	2,100,697.73
 Commitments	
Remediation of 1108 E. Berry	\$150,000.00
Evans & Rosedale Enhanced CFA	\$298,553.64
Survey Expenses	\$6,250.00
 Reserves	
Maintenance Reserve	100,000.00
Property Tax Reserve	<u>100,000.00</u>
Total Commitments & Reserves	654,803.64
 Unrestricted Cash Available	<u><u>\$1,445,894.09</u></u>

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

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

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

FORT WORTH LOCAL DEVELOPMENT CORPORATION

**RESOLUTION
OF THE BOARD OF TRUSTEES**

***Authorizing a Loan to Oliver's Fine Foods, Inc.
for the Purpose of Funding Tenant Improvements at
415 Throckmorton St. Necessary for Conversion of that Property
into a Grocery Store***

WHEREAS, the Fort Worth Local Development Corporation (the "Corporation") was incorporated on June 24, 1987 as a Texas non-profit corporation organized for the benefit of the City of Fort Worth (the "City"), specifically to (i) provide assistance to the City in encouraging, fostering and promoting the renovation, construction, rehabilitation and establishment of economic development facilities within the City, and (ii) administer programs to provide financial assistance to qualified entities or persons, including the establishment of one or more revolving loan funds to such entities or persons related to job creation and economic development activity in the City; and

WHEREAS, Oliver's Fine Foods, Inc. ("Oliver's"), a family-owned and operated neighborhood-oriented market that specializes in prepared appetizers and meals, gourmet cheese, fresh meats and fish, deli meats, sandwiches, salads, and desserts, as well as premium wines and beers, wishes to lease and renovate the space in the City's downtown at 415 Throckmorton St. (the "Leased Premises") for use as a grocery store; and

WHEREAS, because of an estimated \$450,000.00 gap between the costs to finish-out the Leased Premises for use as a grocery store and the achievable market rents at the site, Oliver's has requested financial assistance from the City in order to undertake this project; and

WHEREAS, the City's Comprehensive Plan embraces the Downtown Fort Worth Strategic Action Plan, sponsored by the City, Downtown Fort Worth, Inc. and the Fort Worth Housing Authority, which encourages the promotion of public incentives to encourage downtown housing development; and

WHEREAS, the City staff has represented to the Corporation's Board of Trustees (the "Board") that it will recommend that the City make certain annual Economic Development Program Grants, as authorized by Chapter 380 of the Texas Local Government Code and City Council Resolution No. 3716-03-2009 (the "380 Grant Payments"), over the course of up to twenty (20) years; and

WHEREAS, in order to provide Oliver's with an immediate funding source to pay for the tenant improvements necessary for the Leased Premises to be used as a grocery store, the City staff has requested that the Board consider loaning Oliver's a sum, payable from the Corporation's currently available revenues, not to exceed the lesser of (i) the costs of such tenant improvements or (ii) \$450,000.00 of such tenant improvements; and

WHEREAS, the Board finds that development of a grocery store in the City's downtown is essential to attract additional downtown housing developments and residents; and

WHEREAS, consistent with the Corporation's economic development objectives, the Corporation is willing to make such a loan to Oliver's on certain terms and conditions set forth herein and that may otherwise be acceptable to the President and legal counsel for the Corporation;

NOW, THEREFORE, BE IT RESOLVED that the Corporation hereby authorizes a loan to Oliver's that includes the following terms and conditions:

- The amount of the loan shall not exceed the lesser of (i) the costs to construct and install tenant improvements necessary for the Leased Premises to be used as a grocery store or (ii) \$450,000.00 of such costs.
- The term of the loan shall not exceed twenty (20) years.
- The loan shall be interest-free.
- Oliver's will be required to repay the loan in annual installments in the greater amount of (i) one hundred percent (100%) of the 380 Grant Payment received in the same year or (ii) the following minimum amount:
 - Years 1-2: \$15,000.00
 - Years 3-5: \$20,000.00
 - Years 6-20: \$24,000.00
- The Corporation shall have a security interest in the 380 Grant Payments made to Oliver's and to any equipment (non-fixtures) installed in the Leased Premises whose costs are included as tenant improvements covered by the loan.
- Sundance West Partners, LP, which owns the Leased Premises, will serve as guarantor of the loan, as follows:
 - To pay any shortfall on the minimum annual installment due in a given year of the loan term; and
 - To repay the loan in full on an accelerated schedule in the event Oliver's vacates the Leased Premises and the Leased Premises are not used and operated as a comparable grocery store within twelve (12) months following such vacation.

FURTHER RESOLVED, that the President or Vice President is hereby authorized to execute and file a loan agreement between the Corporation and Oliver's, Inc. and any other related and necessary documents, on terms and conditions acceptable to and approved by the President and legal counsel for the Corporation; and

FURTHER RESOLVED, that the Secretary or any Assistant Secretary of the Corporation is hereby authorized and directed to certify the adoption of this Resolution.

Adopted this 1st day of March, 2011.

By: _____
Carter Burdette
Secretary



Updated February 24, 2011

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

March 1, 2011 **Monthly Zoning Meeting**

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

Housing and Economic Development Committee (Cancelled)

2:30 p.m. Local Development Corporation

3:00 p.m. Pre-Council Meeting

Continued Items:

- **M&C L-15143** - Authorize Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, LLC, for a Natural Gas Pipeline Across City-Owned Property in the William R. Loving Survey and S.P. Loving Survey Also Known as the Berry Yuma Yard Located at 3250 Yuma Street for a Twenty Year Term at a Cost of \$44,083.31 and Temporary Access at a Cost of \$4,000.00 for a Term of One-Hundred Twenty Days (**Continued from February 15, 2011 by Council Member Hicks**)
- **M&C C-24724** - Authorize the City Manager to Sign a Notice of Quiet Zone Establishment Certification for the Creation of the Hemphill West Quiet Zone that Includes Burlington Northern Santa Fe Railway Company Crossings at Lipscomb Street, Capps Avenue, Hemphill Street and Page Street and Authorize the City Manager to Enter Into an Agreement with Burlington Northern Santa Fe Railway Company for Railroad Signal Upgrades in the Amount of \$382,618.00 (**Continued from February 15, 2011 by Council Member Burns**)
- **ZC-10-183** - City of Fort Worth Planning and Development: Text Amendment, Mixed Use Districts Amendment: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth to Amend: Articles 9 and 10 related to Residential and Industrial Districts (**Continued from February 8, 2011 by Council Member Burdette**)
- o **Overview of Significant Zoning Items** [*Dana Burghdoff, Planning and Development*]
- o **Impact of ESPN/Super Bowl XLV on Sundance Square** [*Johnny Campbell and Tracy Gilmour, Sundance Square Management*]
- o **Briefing on Tarrant County Days in Austin** [*Shirley Little, Government Relations*]
- o **Presentation of Initial 2010 Census Results** [*Fernando Costa, City Manager's Office*]
- o **Presentation of Amendments to City Council Rules of Procedure Regarding Meeting and Speaker Protocol Changes** [*Marty Hendrix, City Secretary*]

March 2, 2011 ***(Wednesday)***

Tarrant County Days (Austin, TX)



Updated February 24, 2011

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

March 3, 2011 ***(Thursday)***

Tarrant County Days (Austin, TX)

March 8, 2011

1:00 p.m. Infrastructure & Transportation Committee

3:00 p.m. Pre-Council Meeting

Continued Items:

- **M&C G-17140** - Conduct a Public Hearing, Adopt a Resolution Designating the Six Points Area as a Neighborhood Empowerment Zone and Adopt an Ordinance Designating the Six Points Area as Neighborhood Empowerment Reinvestment Zone No. 38
(Continued from February 8, 2011 by Council Member Espino)
- **ZC-11-006** - City of Fort Worth Planning & Development, Northside Neighborhood Phase 3, Generally bounded by N. Main Street, NW 28th Street, Lincoln Avenue, and NW 20th Street; from: "A-5" One-Family, "B" Two-Family, "B/DD" Two-Family/Demolition Delay, "C" Medium Density Multifamily, "C/HC" Medium Density Multifamily/Historic and Cultural Overlay, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "E/DD" Neighborhood Commercial/Demolition Delay, "FR" General Commercial Restricted, "F" General Commercial, "I" Light Industrial, "I/HC" Light Industrial/Historical and Cultural Overlay, "I/DD" Light Industrial/Demolition Delay, "J" Medium Industrial, "J/HC" Medium Industrial/Historical and Cultural Overlay, and "PD" Planned Developments 101, 107, 117, and 619 to: "A-5" One-Family, "A-5/HC" One-Family/Historical and Cultural Overlay, "A-5/DD" One-Family/Demolition Delay, "AR" One Family Restricted, "B" Two-Family, "B/DD" Two-Family/Demolition Delay, "UR" Urban Residential, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "E/DD" Neighborhood Commercial/Demolition Delay, "MU-1" Low Intensity Mixed-Use, "MU-1/HSE" Low Intensity Mixed-Use/Highly Significant Endangered, "MU-1/HC" Low Intensity Mixed-Use/Historical and Cultural Overlay, "MU-1/DD" Low Intensity Mixed-Use/Demolition Delay, "MU-2" High Intensity Mixed-Use, "MU-2/HC" High Intensity Mixed-Use/Historical and Cultural Overlay, and "MU-2/DD" High Intensity Mixed-Use/Demolition Delay **(Continued from February 8, 2011 by Council Member Espino)**
- o Discussion on Enterprise Resource Planning (ERP) Project Phase I [***Karen Montgomery, City Manager's Office***]



Updated February 24, 2011

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

March 15, 2011

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

March 22, 2011

8:30 a.m. Pre-Council Meeting

Continued Items:

- **M&C G-17200** - Adopt Ordinance Revising the Lake Worth Use Fees and Amending Section 18-4, Chapter 18, Lake Worth of the City Code and Authorize the City Manager to Execute Agreements with Outside Businesses and Entities for the Selling of Boat Stickers Required Under this Ordinance (**Continued from February 8, 2011 by Staff**)
- **ZC-10-094** - Commercial Metals Company, 2400 NE 36th Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling facility; site plan included (**Continued from November 9, 2010 by Council Member Espino**)
- o Pension Update [[*Karen Montgomery, City Manager's Office*](#)]
- o The Year End Closing M&C and Comprehensive Annual Financial Report (CAFR) Presentation [[*Lena Ellis, Financial Management Services*](#)]

March 24, 2011 (*Thursday*)

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

March 29, 2011

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

***11:30 .am. Joint Meeting of the Fort Worth City Council and The T
Fort Worth Convention Center (Room TBD)***



Updated February 24, 2011

City of Fort Worth
City Council Pre-Council Agenda Calendar

April 5, 2011 *Monthly Zoning Meeting*

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

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

3:00 p.m. Pre-Council Meeting

April 12, 2011

1:00 p.m. Infrastructure & Transportation Committee

3:00 p.m. Pre-Council Meeting

April 13, 2011 (*Wednesday*)

Legislative Trip (Washington, DC)

April 14, 2011 (*Thursday*)

Legislative Trip (Washington, DC)

April 15, 2011 (*Friday*)

Legislative Trip (Washington, DC)

April 19, 2011

8:30 a.m. Pre-Council Meeting



Updated February 24, 2011

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

April 26, 2011

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

April 28, 2011 *(Thursday)*

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

May 3, 2011 *Monthly Zoning Meeting*

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

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

3:00 p.m. Pre-Council Meeting

May 10, 2011

1:00 p.m. Infrastructure & Transportation Committee

3:00 p.m. Pre-Council Meeting

May 17, 2011

8:30 a.m. Pre-Council Meeting

- o 2nd Quarter Financial Update [*Horatio Porter, Budget Officer*]

May 19, 2011 *(Thursday)*

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



Updated February 24, 2011

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

May 24, 2011

8:30 a.m. Pre-Council Meeting

May 26, 2011 ***(Thursday)***

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

May 31, 2011

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



***City Council Meeting of February 15, 2011
Staff Action Tracking***

Item #1	Update on Natural Gas Air Quality Study		
Due Date:	March 1, 2011	Council District:	1
Staff Action:	Staff to provide Council an IR on two sites located at 11398 W. Freeway and 2299 Mercado Drive that were found to be polluting according to the interim report on air quality.		
Responsibility:	Michael Gange (Transportation and Public Works)		

Staff Action: Staff to provide Council an IR on two sites located at 11398 W. Freeway and 2299 Mercado Drive that were found to be polluting according to the interim report on air quality.

Item #2 Budget Update (Supplemental Appropriations)

Staff Action: Staff to provide Council a memo capturing FY 2011 supplemental appropriations and their impact on the fund balance.

1

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 15, 2011**

Present

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

Absent

Council Member Joel Burns, District 9

Staff Present

Tom Higgins, Interim City Manager
Sarah Fullenwider, City Attorney
Marty Hendrix, City Secretary

I. CALL TO ORDER

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 10:33 a.m., on Tuesday, February 15, 2011, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Burns absent.

II. INVOCATION - Pastor Erik K. Gronberg, Trinity Lutheran Church

The invocation was provided by Pastor Erik K. Gronberg, Trinity Lutheran Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF FEBRUARY 8, 2011

Motion: Council Member Zimmerman made a motion, seconded by Council Member Jordan, that the minutes of the regular meeting of February 8, 2011, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

V. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

Interim City Manager Higgins requested that Mayor and Council Communication Nos. G-17205 and L-15142 be withdrawn from the Consent Agenda.

VI. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

Interim City Manager Higgins requested that Mayor and Council Communication No. C-24724 be continued until the March 1, 2011, Council meeting.

VII. CONSENT AGENDA

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that the Consent Agenda be approved as amended. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

A. General - Consent Items

2. M&C G-17206 - Adopt Ordinance Approving Dallas-Fort Worth International Airport Board Resolution No. 2010-07-150 and Resolution No. 2010-09-220 Amending Various Provisions of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board

The City Council approved the following recommendation: Adopt Ordinance No. 19546-02-2011 an Ordinance by the City Council of the City of Fort Worth, Approving Resolution No. 2010-07-150 and Resolution No. 2010-09-220 of the Dallas-Fort Worth International Airport Board and Which Amend Chapters 1, 2, 3, 6, 7, 8, 9, 10, the Table of Contents and Appendix I of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as Amended; and Providing for a Fine Not to Exceed Two Thousand (\$2,000.00) Dollars Per Day for any Violation Thereof.

3. M&C G-17207 - Adopt Ordinance Approving Dallas/Fort Worth International Airport Board Resolution 2010-08-171, Amending the Construction and Fire Prevention Standards by Adopting the 2008 Model Electrical Code and Certain 2009 International Code Council Model Codes and Amending Part Nine-Oil and Gas Exploration and Production, with the Exception of a Provision Related to Brackish Water.

The City Council approved the following recommendation: Adopt Ordinance No. 19547-02-2011 an Ordinance by the City Council of the City of Fort Worth, Approving Resolution No. 2010-08-171, Adopted by the Dallas/Fort Worth International Airport Board on August 5, 2010, for the Purpose of Amending Parts One (1) Through Nine (9) of the Dallas/Fort Worth International Airport Construction and Fire Prevention Resolution (Adopted by Resolution No. 88-147), as Amended, Except That the Change to Section 6(B) of Part Nine (9) of the Dallas/Fort Worth International Airport Construction and Fire Prevention Standards Resolution (Adopted by Resolution No. 88-147) Adopting the 2008

(VII. CONSENT AGENDA Continued)

(G-17207 Continued)

National Electrical Code and Certain 2009 Series Model Codes Published by the International Code Council, Inc., With Proposed Local Amendments; to Amend Part Nine (9) of the Construction and Fire Prevention Standards for Oil and Gas Exploration and Production; and Providing for a Fine Not to Exceed Two Thousand (\$2,000.00) Dollars Per Day for any Violation Thereof.

4. M&C G-17208 - Approve the Findings of Ground Transportation Coordinator Regarding Application of North Star Carriage to Operate Four Horse-Drawn Carriages Within the City of Fort Worth and Adopt Ordinance Granting Such Authority.

The City Council approved the following recommendation: Consider and Adopt the Following Findings of the Ground Transportation Coordinator: the Public Necessity and Convenience Require the Operation of Four (4) Horse-Drawn Carriages Upon the City Streets, Alleys and Thoroughfares; North Star Carriage is Qualified and Financially Able to Conduct a Horse-Drawn Service Within the City; North Star Carriage has Complied With the Requirements of Chapter 34 of the City Code; North Star Carriage Presented Facts in Support of Compelling Demand and Necessity for Four (4) Horse-Drawn Carriages; the General Welfare of the Citizens of the City Will Best be Served by the Addition of Four (4) Horse-Drawn Carriages Upon City Streets, Alleys and Thoroughfares; and Adopting Ordinance No. 19548-02-2011 Granting the Privilege of Operating Authority to North Star Carriage for the Use of the Streets, Alleys, and Public Thoroughfares of the City in the Conduct of its Horse-Drawn Business, Which Shall Consist of the Operation of Four (4) Horse-Drawn Carriages for a Three (3) Year Period Beginning on the Effective Date; Specifying the Terms and Conditions of the Grant; Providing for a Penalty; and Providing for Written Acceptance by North Star Carriage Subject to and Conditioned on North Star Carriage Complying With All Requirements of Chapter 34, Article VI, of the Code of the City of Fort Worth (1986), as Amended.

5. M&C G-17209 - Authorize Execution of an Interlocal Agreement with Dallas County Community College District in an Amount Not to Exceed \$25,000.00 to Provide Training and Development Courses with Emphasis on Airport Safety and Operations for the Department of Aviation.

The City Council approved the following recommendation: Authorize the City Manager to Execute an Interlocal Agreement With Dallas County Community College District to Provide Training and Development Courses With Emphasis on Airport Safety and Operations for the Aviation Department in an Amount Not to Exceed \$25,000.00.

(VII. CONSENT AGENDA Continued)

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

1. M&C P-11197 - Authorize the Purchase of Three Heavy Duty Trucks for the Code Compliance Department from Southwest International Trucks, Inc., Using a Texas Association of School Boards Cooperative Contract, for a Total Amount of \$431,171.00.

The City Council approved the following recommendation: Authorize the Purchase of Three (3) Heavy Duty Trucks for the Code Compliance Department From Southwest International Trucks, Inc., Using Texas Association of School Boards Cooperative Contract No. 281-07 for a Total Amount of \$431,171.00.

C. Land - Consent Items

1. M&C L-15140 - Amend M&C L-15120 to Update the Property Owners and Include Additional Interested Parties in the Condemnation of an Easement Interest in Approximately 0.30 Acres of Land for a Permanent Drainage Facility Easement and a Temporary Construction Easement for the Summercrest Court Drainage Improvements Project Located at Lot 1, Block 82-A, Westcliff Addition, Also Known As 4301 Briarhaven Road.

The City Council approved the following recommendation: Amend M&C L-15120 to Authorize the City Attorney to Institute Condemnation Proceedings to Acquire an Easement Interest in Approximately 0.30 Acre of Land for a Permanent Drainage Facility Easement and a Temporary Construction Easement Located in Lot 1, Block 82-A, Westcliff Addition, Also Known as 4301 Briarhaven Road. The Parties With Ownership Interests Include: Richard N. Abrams; Julianne Smit Martinez aka Julianne Gail Martinez Abrams; Richard N. Abrams Trust Created Under the Abrams Family Gift Trust; 1 Lincoln Financial Company, LLC, aka Lincoln Financial Company, Marcus C. Marsden Jr., Trustee; Bank of America Corporation, N.A., PRLAP, Inc, Trustee; Bank of Oklahoma, N. A., BOKF, N.A., dba Bank of Texas, N.A.; and any Additional Unknown Parties; Declare the Necessity to Take by Condemnation the Subject Property for the Summercrest Court Drainage Improvement Project; Authorize the City Attorney to Institute Condemnation Proceedings to Acquire the Needed Easement Interests in the Property; and Authorize the Acceptance and Recording of Appropriate Instruments.

2. M&C L-15141 - Authorize Acquisition of 0.7256 Acres of Land for a Permanent Sanitary Sewer Easement Located at 6605 Randol Mill Road from Jerry Spencer for the Amount of \$151,310.00 and Pay Estimated Closing Costs of \$6,000.00.

The City Council approved the following recommendation: Approve the Acquisition of a Sanitary Sewer Easement Located at 6605 Randol Mill Road, Described as Block 1, Tract 2R, J. Spencer Addition, From Jerry Spencer in East Fort Worth for the Sanitary Sewer Main M-253 Rehab Project and Pay the Estimated Closing Costs of \$6,000.00; Find That the Appraised Value of \$151,310.00 is Just Compensation; and Authorize the Acceptance and Recording of Appropriate Instruments.

(VII. CONSENT AGENDA Continued)

D. Planning & Zoning - Consent Items

1. M&C PZ-2924 - Adopt Ordinance Vacating a Portion of May Street Between West Magnolia Avenue and West Oleander Street and an Alley Between May Street and St. Louis Avenue.

The City Council approved the following recommendation: Adopt Ordinance No. 19549-02-2011 Vacating and Extinguishing a Portion of May Street Located Between West Oleander Street and West Magnolia Avenue, and an Alley Between May Street and St. Louis Avenue in Block D of the Fairlawn Subdivision of Fields-Welch Addition, an Addition to the City of Fort Worth, Tarrant County, Texas, Providing for Reversion of Fee in Said Land; Providing That the City Shall Retain All Existing Utilities Easements; and Waive Any and All Purchase Fee Value of the Vacated Land in Accordance With City Policy (M&C G-15624).

2. M&C PZ-2925 - Authorize City Manager to Initiate Rezoning of Certain Properties in the West Handley Neighborhood in Accordance with the Comprehensive Plan.

The City Council approved the following recommendation: Authorize the City Manager to Initiate Certain Zoning Changes in the West Handley Area Neighborhood, From "A-21", "A-10", "A-5" One-Family, "B" Two-Family, "MH" Manufactured Housing, "CR" and "C" Multi-Family, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "F" General Commercial, "G" Intensive Commercial, "I", "J", "K" Industrial, and "PD" Planned Development to "A-10" One-Family, "A-7.5" One-Family, "A-5" One-Family, "B" Two-Family, "C" Medium Density Multi-Family, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "I" Light Industrial, and "PD" Planned Development, in Accordance With the Comprehensive Plan.

E. Award of Contract - Consent Items

1. M&C C-24729 - Authorize Amendment to a Conditional Commitment with Tarrant County Housing Partnership, Inc. to Allow for Demolition and Rehabilitation of Up to Four Single Family Houses in the South Hemphill Model Block and Authorize Execution of a Contract to Fulfill the Commitment.

The City Council approved the following recommendation: Authorize the City Manager to Execute an Amendment to a Conditional Commitment With Tarrant County Housing Partnership, Inc., to Allow for Demolition and Rehabilitation of Up to Four (4) Single Family Houses in the South Hemphill Model Block; and Authorize the City Manager to Execute a Contract With Tarrant County Housing Partnership, Inc., on the Same or Similar Terms as the Conditional Commitment.

(VII. CONSENT AGENDA Continued)

2. M&C C-24730 - Authorize Execution of Change Order No. 5 in the Amount of \$40,463.00 to City Secretary Contract No. 38333 with Stabile & Winn, Inc., for Pavement Reconstruction and Water and Sanitary Sewer Main Replacements on Portions of Canton Drive, Church Street, Halbert Street and Van Natta Lane, thereby Revising the Total Contract Amount to \$2,290,608.42.

The City Council approved the following recommendation: Authorize the City Manager to Execute Change Order No. 5 in the Amount of \$40,463.00 to City Secretary Contract No. 38333 With Stabile & Winn, Inc., for Pavement Reconstruction and Water and Sanitary Sewer Main Replacements on Portions of Canton Drive, Church Street, Halbert Street and Van Natta Lane, Thereby Revising the Total Contract Amount to \$2,290,608.42.

3. M&C C-24731 - Authorize Execution of Amendment No. 2 in the Amount of \$53,704.00 to City Secretary Contract No. 36502 Engineering Agreement with Teague Nall and Perkins, Inc., for the Design of the 2007 Critical Capital Projects.

The City Council approved the following recommendation: Authorize the City Manager to Execute Amendment No. 2 in the Amount of \$53,704.00 to City Secretary Contract No. 36502 an Engineering Agreement With Teague Nall and Perkins, Inc., for the Design of the 2007 Critical Capital Projects Revising the Total Contract Amount to \$1,141,843.00 (Project No. 00923).

4. M&C C-24732 - Authorize Execution of a Contract in the Amount of \$495,405.70 with Jet Underground Utilities, Inc., for Concrete Restoration 2010-8 at Six Locations and Adopt Appropriation Ordinance.

The City Council approved the following recommendation: Authorize the Transfer of \$495,405.70 From the Contract Street Maintenance Fund to the General Fund; Adopt Appropriation Ordinance No. 19550-02-2011 Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$495,405.70, From Available Funds, for the Purpose of Funding Concrete Restoration 2010-8 at Six (6) Locations; and Authorize the City Manager to Execute a Contract With Jet Underground Utilities, Inc., for 150 Calendar Days.

5. M&C C-24733 - Authorize Execution of a Contract with Conatser Construction TX, LP, in the Amount of \$738,560.00 for Construction of the Kermit-Bonnie Drainage Improvements, 4600 Merida Drainage Improvements and Waverly Park Drainage Improvements.

The City Council approved the following recommendation: Authorize the City Manager to Execute a Contract With Conatser Construction TX, LP, in the Amount of \$738,560.00 for Construction of the Kermit-Bonnie Drainage Improvements, 4600 Merida Drainage Improvements and Waverly Park Drainage Improvements.

(VII. CONSENT AGENDA Continued)

6. M&C C-24734 - Adopt Supplemental Appropriation Ordinance Increasing Appropriations in the Culture and Tourism Fund in the Amount of \$715,500.00 and Decreasing the Unaudited, Unreserved, Culture and Tourism Fund Balance by the Same Amount and Authorize Execution of a Contract with Johnson Controls, Inc., to Install Two Replacement Chillers at the Fort Worth Convention Center.

The City Council approved the following recommendation: Adopt Supplemental Appropriation Ordinance No. 19551-02-2011 Increasing the Estimated Receipts and Appropriations in the Culture and Tourism Fund in the Amount of \$715,500.00 and Decreasing the Unaudited, Unreserved, Undesignated Fund Balance by the Same Amount for the Purpose of Funding Installation of Two (2) Replacement Chillers and Related Equipment at the Fort Worth Convention Center; and Authorize a Contract With Johnson Controls, Inc., in the Amount of \$658,066.00 Plus \$57,434.00 in Contingency and Staff Costs Using a Texas Multiple Award Schedule (TXMAS) Contract Number TXMAS-6-840160 to Install the Chillers and Related Equipment at the Fort Worth Convention Center.

7. M&C C-24735 - Authorize Execution of Change Order No. 1 in the Amount of \$381,988.10 to the City Secretary Contract No. 40169 With Oscar Renda Contracting, Inc. for Medical District Water Distribution System Improvements, Part 4 from South Holly Water Treatment Plant to the Medical District, thereby Increasing the Contract Amount to \$5,822,293.10.

The City Council approved the following recommendation: Authorize the City Manager to Execute Change Order No. 1 in the Amount of \$381,988.10 to City Secretary Contract No. 40169 With Oscar Renda Contracting, Inc., for Medical District Water Distribution System Improvements, Part 4, From South Holly Water Treatment Plant to the Medical District, Thereby Increasing the Contract Amount to \$5,822,293.10.

8. M&C C-24736 - Authorize Execution of Change Order No. 1 in the Amount of \$44,108.00 to City Secretary Contract No. 39624 with Burnsco Construction, Inc., for Sanitary Sewer Rehabilitation Contract LXX, Part 4 on Monticello Drive, Potomac Avenue, Williamsburg Lane, West Jarvis Street and Two Alleyways, thereby Increasing the Contract Amount to \$1,802,252.00.

The City Council approved the following recommendation: Authorize the City Manager to Execute Change Order No. 1 in the Amount of \$44,108.00 to City Secretary Contract No. 39624 With Burnsco Construction, Inc., for Sanitary Sewer Rehabilitation Contract LXX, Part 4, on Monticello Drive, Potomac Avenue, Williamsburg Lane, West Jarvis Street and Two (2) Alleyways Thereby Increasing the Contract Amount to \$1,802,252.00.

(VII. CONSENT AGENDA Continued)

9. M&C C-24737 - Authorize Execution of Amendment No. 2 in the Amount of \$184,400.00 to City Secretary Contract No. 38565 with Kimley-Horn and Associates, Inc., for Water and Sanitary Sewer Main Relocations for the State Highway 121T Crossing West of the Hulen Street Bridge Within the Union Pacific Railroad Davidson Rail Yard.

The City Council approved the following recommendation: Authorize the City Manager to Execute Amendment No. 2 in the Amount of \$184,400.00 to City Secretary Contract No. 38565 With Kimley-Horn and Associates, Inc., for Water and Sanitary Sewer Main Relocations for the SH121T Crossing West of the Hulen Street Bridge Within the Union Pacific Railroad Davidson Rail Yard, Thereby Increasing the Contract Amount to \$849,765.00.

10. M&C C-24738 - Authorize Application for and Acceptance, if Awarded, of Community Services Block Grant State Discretionary Funds in an Amount Up to \$100,000.00 for Employment-Assistance Programs, Authorize Execution of a Contract with the Texas Department of Housing and Community Affairs, Authorize Interfund Loan, Waive Indirect Costs and Adopt Appropriation Ordinance.

The City Council approved the following recommendation: Authorize the City Manager to Apply for and, if Awarded, Accept a Grant in an Amount Up to \$100,000.00 in Community Services Block Grant State Discretionary Funds to Provide Employment Assistance Programs to Eligible Individuals for the Period July 1, 2011, Through June 30, 2012; Authorize the City Manager to Execute a Contract With the Texas Department of Housing and Community Affairs Regarding the Grant; Authorize a Non-Interest Bearing Interfund Loan From the General Fund to the Grants Fund in the Amount of \$20,000.00 for Interim Financing of This Grant Project, Pending Contract Execution; Waive Indirect Costs Associated With Administration of This Grant Program; and Adopt Appropriation Ordinance No. 19552-02-2011 Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$100,000.00, Subject to Receipt of a Grant From the Texas Department of Housing and Community Affairs of Community Services Block Grant State Discretionary Funds for Federal Fiscal Year 2011.

11. M&C C-24739 - Authorize City Manager to Enter into a Lease Agreement with Senior Citizen Services of Greater Tarrant County, Inc., for Space at Various Parks and Community Services Department Facilities.

The City Council approved the following recommendation: Authorize the City Manager to Enter Into a Lease Agreement With Senior Citizen Services of Greater Tarrant County, Inc., for Space at Various Parks and Community Services Department Facilities.

VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. OCS -1802 - Notice of Claims for Alleged Damages and/or Injuries

End of Consent Agenda.

A. General - (Removed from Consent for Individual Consideration)

1. **M&C G-17205 - Adopt Resolution Authorizing the Employment of Kelly Hart & Hallman, LLP and McCall Parkhurst & Horton LLP as Outside Legal Counsel in an Amount Not to Exceed \$15,000.00 to Assist and Advise the City on Legal Issues Related to the Preparation of a Loan Agreement and Other Instruments Necessary to Secure a Loan to the Fort Worth Air and Space Museum Foundation.**

The recommendation was that the City Council Adopt a Resolution Authorizing the City Attorney to Retain the Law Firms of Kelly, Hart & Hallman, LLP, and McCall Parkhurst & Horton, LLP, as Outside Legal Counsel in an Amount Not to Exceed \$15,000.00, Pursuant to Chapter VI, Section 3, of the City Charter to Assist the City Attorney's Office With Legal Issues Related to the Preparation of a Loan Agreement and Other Instruments Necessary to Secure a Loan to the Fort Worth Air and Space Museum Foundation.

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

Motion: Council Member Jordan made a motion, seconded by Council Member Espino that Mayor and Council Communication No. G-17205 be approved and Resolution No. 3968-02-2011 be adopted. The motion carried unanimously seven (7) ayes, to zero (0) nays, with Council Member Burns absent and one (1) abstention by Council Member Zimmerman.

C. Land - Consent Items (Removed from Consent for Individual Consideration)

3. **M&C L-15142 - Accept Donation of Approximately 0.599 Acres of Parkland and Facility Improvements from Fort Worth Southside Development District, Inc. d/b/a Fort Worth South, Inc. to be named Watts Park, Authorize the Transfer of \$6,956.00 from the General Fund to the Special Assessment District Fund, Tax Increment Reinvestment Zone No. 4 (Southside/Medical District TIF) and Adopt Appropriation Ordinance.**

The recommendation was that the City Council Accept the Donation of Approximately 0.599 Acre of Parkland and Facility Improvements From Fort Worth Southside Development District, Inc., d/b/a Fort Worth South, Inc., to be Named Watts Park; Authorize the Transfer of \$6,956.00 From the General Fund to the Special Assessment District Fund, Tax Increment Reinvestment Zone No. 4 (Southside/Medical District TIF) for the City's Payment In-lieu of Services; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Tax Increment

(C. Land -Removed from Consent for Individual Consideration Continued)

(L-15142 Continued)

Reinvestment Zone Number Four (4) (Southside/Medical District TIF) Section of the Special Assessment District Fund in the Amount of \$6,956.00, From Available Funds, for the Purpose of Maintaining Watts Park.

Council Member Hicks expressed great appreciation to Fort Worth South Inc., for the donation of land to be known as Watts Park.

Mr. Paul Paine and Ms. Linda Watts, wife of the late Dr. James Watts, appeared before Council and provided photographs of the park and playground equipment. They expressed appreciation to the Mayor and Council for naming the park after Dr. Watts who was instrumental in the development of the \$150,000.00 strategic plan for the park.

Mayor Moncrief also expressed appreciation for the donation and stated this was a true example of a public-private partnership.

Motion: Council Member Hicks made a motion, seconded by Council Member Espino that Mayor and Council Communication No. L-15142 be approved with appreciation to Fort Worth South, Inc., and Appropriation Ordinance No. 19553-02-2011 be adopted. The motion carried unanimously eight (8) ayes, to zero (0) nays, with Council Member Burns absent.

IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. Introduction of the Bandung, Indonesia Youth and Arlington Heights High School Ambassador Program - Fort Worth Sister Cities International, Inc.

Mr. Brad Mahon, Chairman, Board of Directors, Fort Worth Sister Cities International, Inc., introduced members of the Bandung, Indonesia Youth and Arlington Heights High School Ambassador Program. He advised that 15 high school students and two (2) teachers from Bandung, Indonesia were spending two (2) weeks this month, hosted by Arlington Heights High School, on an inaugural Sister Cities Ambassador School Program exchange. He stated that Arlington Heights was selected by Sister Cities International, Inc., as part of an effort to reach out to Indonesia and expand its high school program in Fort Worth. He further stated that the goal of the exchange was to provide the Indonesian students with an international experience and an opportunity to share their rich cultural heritage. He pointed out that during their trip the students would learn about the Fort Worth educational system and develop new friendships. He also added that they will be home hosted by Arlington Heights families which would give them a true Texas experience.

(IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC. - #1 Continued)

Representatives from Bandung, Indonesia presented the Mayor and Council Members with a gift and expressed appreciation to the City and their host families for their hospitality. They stated that they respected the difference in cultures and had a wonderful time attending the various events in the area throughout their two (2) week trip. They advised that over the next several months Bandung would be advertising for families to host exchange students from Fort Worth and added that they looked forward to the continued partnership.

Mayor Moncrief accepted the gift on behalf of the Council and stated the world continued to shrink as people came closer together. He reiterated the importance of learning about other countries and respective cultures. He wished the students and other representatives safe travels on their return trip to Indonesia.

2. Presentation of Proclamation for Freese & Nichols Day

Mayor Moncrief presented a Proclamation for Freese and Nichols Day to Mr. Bob Pence, President and CEO, Freese and Nichols. He stated that in 1894, John F. Hawley founded Freese and Nichols, a firm which provided engineering, architectural, environmental science, planning and program management services throughout the region. He stated that the firm began in Fort Worth with the design of the Holly Water Treatment Plant and pointed out that the Plant contained components that were still in use today. He further stated that Freese and Nichols had consistently given back to the community with company leaders who made numerous financial contributions and served on or chaired the boards of many civic organizations and employees who had worked more than 25,000 volunteer hours throughout Fort Worth and Tarrant County. He advised that Freese and Nichols was recognized as the first engineering and architectural firm ever to be honored with the Malcolm Baldrige National Quality Award for Performance Excellence and one (1) of only seven (7) businesses that received this privileged distinction in 2010.

Mr. Pence expressed appreciation to the Mayor and Council Members for the Proclamation and for their leadership in the City and stated that Fort Worth was a great place to operate a business.

X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. Upcoming and Recent Events

Council Member Zimmerman announced that the celebration of 100 years of powered flight in North Texas continued this month. He stated on February 19, 2011, at 1:00 p.m., at the Veterans Memorial Air Park, 3300 Ross Avenue, Captain T.D. Smyers, Commanding Officer of NAS Fort Worth/Joint Reserve Base would dedicate a recently acquired dirigible engine into their collection. He pointed out that the engine was similar to the ones flown on the ZR-1 "Shenandoah" and the ZR-3 "Los Angeles"

(X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF - #1 Continued)

airships. He stated that following the dedication, local historian Don Pyeatt, would give a presentation on Fort Worth's United States Navy dirigible mooring station and helium production plant. He also announced that the celebration for Centennial Fly Day would be held on February 26, 2011, at the Mattel Toy Distribution Center, 501 Meacham Boulevard. He advised that the event would include a short presentation of the significance of the site and the nearby helium production facility, as well as, helium balloon launches, kite flying and paper airplane contests. He stated for more information to visit the website at www.ftwaviation100.com.

Council Member Moss announced that the District 5 Southeast Neighborhood Association meeting would be held on February 24, 2011, from 6:00 p.m. to 8:00 p.m., at the Tarrant County College Opportunity Center, located at 5901 Fitzhugh Avenue. He stated that the topics of discussion would include how current and planned development in the area tied into the Comprehensive Plan. He also announced that a meeting regarding the Lake Arlington Master Plan would be held on February 16, 2011, from 5:00 p.m. to 9:00 p.m. also at the Tarrant County College Opportunity Center. He also recognized the work of the Historic Stop Six Sunrise Neighborhood Association and stated that they had worked with a grant from Chesapeake Energy and the Parks and Community Services Department, who planted the donated trees along Village Creek Road. He stated these improvements had significantly changed the look of the area.

Mayor Pro tem Scarth announced that Commissioner Gary Fickes, Tarrant County, Precinct 3, would host the Northeast Tarrant Transportation Summit from 9:30 a.m. to 1:30 p.m., on February 18, 2011, at the Hurst Conference Center, located at 1601 Campus Drive. He advised that topics would include information about major transportation issues and plans to improve mobility, North Tarrant Express, Dallas Fort Worth Connector, I-35 and Tower 55, Dallas Fort Worth Airport Expansion and Improvements, High Speed Rail in Texas, North Tarrant Parkway, Golden Triangle Boulevard, and FM 1938. He stated the cost was \$25.00 per person and for information or to register, contact the Colleyville Chamber of Commerce at (817) 422-7148 or visit www.nettransportationsummit.com. He also announced that on February 17, 2011, \$100,000.00 in solar panels would be installed at the Texas Cowboy Hall of Fame and pointed out that the panels were paid for through grant funding.

2. Recognition of Citizens

There were no citizens recognized at this time.

XI. [PRESENTATIONS BY THE CITY COUNCIL](#)

1. Changes in Membership on Boards and Commissions

There were no changes in membership on boards and commissions.

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. An Ordinance Ordering a General Election by the Qualified Voters of the City of Fort Worth, Texas, on Saturday, the 14th Day of May, 2011, for the Purpose of Electing the Mayor and Council Members for the City of Fort Worth.

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Ordinance No. 19554-02-2011 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

XIV. REPORT OF THE CITY MANAGER

B. General

1. M&C G-17202 - Review the City's Curfew Ordinance for Minors and Its Effects on the Community and on Problems the Ordinance was Intended to Remedy; Conduct Public Hearings on the Need to Continue the Curfew Ordinance for Minors and Adopt Ordinance Amending Section 23-19 of City Code, Curfew Hours for Minors to Extend the Curfew for an Additional Three Years. (Continued from a Previous Meeting) (PUBLIC HEARING)

It appeared that the City Council, at its meeting of February 8, 2011, Continued Mayor and Council Communication G-17202, Review the City's Curfew Ordinance for Minors and its Effects on the Community and on Problems the Ordinance was Intended to Remedy; Conduct Public Hearings on February 1, 2011 and February 8, 2011, Regarding the Need to Continue the Curfew Ordinance for Minors; and Following the Second Public Hearing on February 8, 2011, Adopt an Ordinance Amending Section 23-19, "Curfew Hours for Minors," of the Code of the City of Fort Worth, as Amended, by Revising the Effective Date and by Adding an Amended Sunset Provision; Providing a Penalty Not to Exceed \$500; Providing a Savings Clause; and Providing for Publication in the Official Newspaper of the City.

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

(G-17202 Continued)

a. Report of City Staff

Mr. Abdul Pridgen, Deputy Chief, Police Department appeared before Council and provided a staff report.

City Secretary Hendrix advised that this M&C had been amended to reflect the public hearing dates should be changed from February 1, 2011 and February 8, 2011 to February 8, 2011 and February 15, 2011. (Note: The City Council Meeting scheduled for February 1, 2011, had been cancelled due to inclement weather.)

b. Citizen Presentations

There was no one present desiring to be heard in connection with the public hearing.

c. Council Action

Motion: Council Member Hicks made a motion, seconded by Council Member Moss, that the public hearing be closed and Mayor and Council Communication No. G-17202 be approved as amended and Ordinance No. 19555-02-2011 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

2. M&C G-17210 - Adopt Resolution Appointing New Members and Reappointing Members to Serve on the Mayor's Advisory Commission on Homelessness.

The recommendation was that the City Council Adopt a Resolution Appointing New Members and Reappointing Members to Serve on the Mayor's Advisory Commission on Homelessness effective February 15, 2011, as follows:

New Appointments

Mr. Mark Barfield, Place 8, with a term expiring October 1, 2012

Mr. Paul Paine, Place 9, with a term expiring October 1, 2011

Mr. Mark C. Hill (Chair), Place 10, with a term expiring October 1, 2012

Mr. James Tapscott, Place 16, with a term expiring October 1, 2012

(G-17210 Continued)

Reappointments

Mr. Mike Doyle, Place 2, with a term expiring October 1, 2012

Ms. Yoland Rodela, Place 4, with a term expiring October 1, 2012

Mr. Glenn Spoons, Place 6, with a term expiring October 1, 2012

Mr. Andy Taft, Place 11, with a term expiring October 1, 2011

Mr. Jesse Aguilera, Place 12, with a term expiring October 1, 2012

Ms. Sheryl Kenney, Place 14, with a term expiring October 1, 2012

Mr. Jason Hall, Place 18, with a term expiring October 1, 2012

Motion: Council Member Zimmerman made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-17210 be approved and Resolution No. 3969-02-2011 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

3. M&C G-17211 - Authorize Interlocal Agreement with The Fort Worth Transportation Authority for the Acceptance of \$2,000,000.00 Towards the Construction of Storm Drain Improvements Near the Forest Park Boulevard, Interstate Highway 30 Intersection, Authorize a Five Year Interest Bearing Loan from the Aviation Endowment Gas Lease Fund to the Stormwater Utility Fund in the Amount of \$3,500,000.00 and Adopt Appropriation Ordinances.

The recommendation was that the City Council Authorize the Execution of an Interlocal Agreement With The Fort Worth Transportation Authority for the Acceptance of \$2,000,000.00 Towards the Construction of Storm Drain Improvements Near the Forest Park Boulevard/Interstate Highway 30 Intersection; Authorize a Five (5) Year Interest Bearing (4.34 percent) Inter-Fund Loan From the Aviation Endowment Gas Lease Fund to the Stormwater Utility Fund in the Amount of \$3,500,000.00 for Interim Financing of This Project, Pending Contract Execution; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Stormwater Utility Fund, From Available Funds for the Purpose of Transferring Said Funds to the Stormwater Capital Projects Fund and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Storm Water Capital Projects Fund in the Amount of \$5,500,000.00, From Available Funds.

(G-17211 Continued)

Motion: Council Member Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-17211 be approved and Ordinance Nos. 19556-02-2011 and 19557-02-2011 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

4. M&C G-17212 - Conduct Public Hearing Regarding the Draft of the City of Fort Worth 2011 Comprehensive Plan as Recommended by the City Plan Commission. (PUBLIC HEARING)

The recommendation was that the City Council Conduct a Public Hearing on the Draft of the City's 2011 Comprehensive Plan to Allow the Public the Opportunity to give Testimony and Present Written Evidence; and Adjourn the Public Hearing.

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

a. Report of City Staff

Ms. Dana Burghdoff, Deputy Director, Planning and Development appeared before Council and provided a staff report.

Council Member Moss advised that the residents in the area were not comfortable changing the zoning from single-family and industrial growth center to single-family and light industrial in the southeast sector of the City. He stated the residents wished to keep the current zoning and were open to future discussions regarding more intense uses.

b. Citizen Presentations

Mr. Jim Schell, 901 Fort Worth Club Building, appeared before Council in support of Mayor and Council Communication No. G-17212 and advised he represented the owner of two (2) properties located at 4800 Parker Henderson Road. He displayed maps from the 2010 Comprehensive Plan and stated that the two (2) Single-Family Residential zoned properties were separated by a property in the center which was zoned "I" Light Industrial. He stated these properties were purchased when they were zoned "I" Light Industrial and added that the owner had utilized the property to store trucks. He advised that in 2009 the City Council approved the downzoning from "I" Light Industrial to Single-Family Residential and the owner did not receive notice from the City of the zoning change. He displayed photographs of the properties and advised that the properties would never be used as Single-Family residential when the surrounding properties were zoned industrial and encouraged the Council to approve the recommendation of the City Plan Commission.

(G-17212 Continued)

Council Member Moss reiterated that the residents in the area were not comfortable changing the zoning from single-family to light industrial and added that the trucking company located on one (1) of the properties had been the source of complaints relative to noise, trash and pollution. He stated that he would include Mr. Schell in the future meetings with the area residents regarding those properties.

Council Member Jordan requested clarification on if the Council was considering taking the draft 2011 Comprehensive Plan to the public for input.

Ms. Burghdoff clarified that public input had already been received in the previous months and the Council would be considering approval of the 2011 Comprehensive Plan at the March 1, 2011, Council meeting.

c. Council Action

Motion: Council Member Moss made a motion, seconded by Council Member Burdette, that the public hearing be closed and Mayor and Council Communication No. G-17212 be continued to March 1, 2011, for final adoption. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

5. M&C G-17213 - Hold Public Hearing and Adopt Ordinance Designating Tax Abatement Reinvestment Zone No. 72, City of Fort Worth, Texas, for Property Located at 3715 NE 28th Street and 3650 Kimbo Road. (PUBLIC HEARING)

The recommendation was that the City Council Hold a Public Hearing Concerning the Designation of Property at 3715 NE 28th Street and 3650 Kimbo Road as Tax Abatement Reinvestment Zone No. 72, City of Fort Worth, Texas; and Adopt an Ordinance Designating a Certain Area in the City of Fort Worth as "Tax Abatement Reinvestment Zone Number 72, City of Fort Worth, Texas"; Providing the Effective and Expiration Dates for the Zone and a Mechanism for Renewal of the Zone; and Containing Other Matters Related to the Zone.

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

a. Report of City Staff

Ms. Ana Alvarado, Economic Development Specialist, Housing and Economic Development Department appeared before Council and provided a staff report.

(G-17213 Continued)

b. Citizen Presentations

There was no one present desiring to be heard in connection with the public hearing.

c. Council Action

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Hicks, that the public hearing be closed and Mayor and Council Communication No. G-17213 be approved and Ordinance No. 19558-02-2011 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

D. Land

1. M&C L-15143 - Authorize Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, LLC, for a Natural Gas Pipeline Across City-Owned Property in the William R. Loving Survey and S.P. Loving Survey Also Known as the Berry Yuma Yard Located at 3250 Yuma Street for a Twenty Year Term at a Cost of \$44,083.31 and Temporary Access at a Cost of \$4,000.00 for a Term of One-Hundred Twenty Days.

The recommendation was that the City Council Authorize Execution of an Underground Pipeline License Agreement With Texas Midstream Gas Services, LLC, for a Natural Gas Pipeline Across City-Owned Property in the William R. Loving Survey and S.P. Loving Survey, Also Known as the Berry Yuma Yard, for a 20-Year Term at a Cost of \$44,083.31 and Temporary Access at a Cost of \$4,000.00 for a Term of 120 days.

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. L-15143 be continued until the March 1, 2011, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

2. M&C L-15144 - Authorize the Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, LLC, in the Amount of \$26,791.70 for a Natural Gas Pipeline Across City-Owned Property Located at 2900 Bolt Street, Fort Worth, Texas, for a Term of Twenty Years.

The recommendation was that the City Council Authorize Execution of an Underground Pipeline License Agreement With Texas Midstream Gas Services, LLC, in the Amount of \$26,791.70 for a Natural Gas Pipeline Across City-Owned Property Located at 2900 Bolt Street, Fort Worth, Texas, for a Term of 20 Years.

(L-15144 Continued)

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-15144 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

3. M&C L-15145 - Authorize the Direct Sale of Five Tax-Foreclosed Properties Located in the Como Neighborhood to the Fort Worth Housing Finance Corporation for the Project Known as Lakeside Village Homes in Accordance with Section 34.05 of the Texas Tax Code for an Amount of Up to \$39,500.48 Plus Any Post Judgment Taxes and Authorize Release of Liens.

The recommendation was that the City Council Approve the Direct Sale of Five (5) Tax-Foreclosed Properties Located Within the Como Neighborhood to the Fort Worth Housing Finance Corporation for the Development of a Project Known as Lakeside Village Homes in Accordance With Section 34.05 of the Texas Tax Code in the Amount of Up to \$39,500.48 Plus any Accrued Post Judgment Taxes; Authorize the Appropriate City Representatives to Execute the Documents Necessary to Complete the Sale of the Property; and Authorize the Release of any City Liens on the Properties.

The following individuals appeared before Council in opposition to Mayor and Council Communication No. L-15145 and advised that the community was not notified that the properties would be sold. They stated that the District 7 Council Aide should have contacted the area residents to involve the community. They advised that Lake Como represented 5,000 residents and stated that there was no Council representation of this area. They stated that Lake Como was the only area in the City where property owner input was not considered regarding economic development. She advised that flyers were mailed regarding a community meeting on February 24, 2011. Ms. Grant pointed out that she did not receive a flyer. She stated that the idea of renting a house for 15 years and then paying the house off for another 15 years was ridiculous.

Ms. Joyce Grant, 5210 Libbey Avenue
Mr. George Barnes, 5300 Helmick Avenue

Council Member Burdette stated that this item was essentially an amendment to action that Council took last month where five (5) of 37 tax foreclosed lots that were owned by the City were removed from consideration and continued to this meeting. He advised that this was all part of a program to develop the Lakeside Village project. He further advised there was a private corporation that would develop the property and it would be designed very similar to the development in Terrell Heights. He pointed out this was beneficial to the City because the City could sell and dispose of tax foreclosed lots that were not bringing in money but required mowing and maintenance by the City. He added another benefit was that this project would provide economic development in the Lake Como area that was needed for many years. He pointed out that this entire proposal was presented to the Neighborhood Advisory Council in Lake Como in December 2010 and the project was explained to the community at that time.

(L-15145 Continued)

Council Member Hicks advised that she was the Chair of the Housing Finance Corporation and added that there were several community meetings regarding this project. She pointed out that she represented the area in Terrell Heights where a similar project had been developed and added the project was innovative and provided quality and affordable housing to those who otherwise would not be able to experience home ownership.

Motion: Council Member Burdette made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. L-15145 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

4. M&C L-15146 - Authorize Amendment to City Secretary Contract No. 39817, a License Agreement with Texas Midstream Gas Services, LLC, to Extend the Construction Schedule for an Additional Six Months. (PUBLIC HEARING)

The recommendation was that the City Council Authorize City Manager to Execute an Amendment to City Secretary Contract No. 39817, a License Agreement With Texas Midstream Gas Services, LLC, to Extend the Construction Schedule for an Additional Six (6) Months.

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

a. Report of City Staff

Mr. David Creek, Assistant Director, Parks and Community Services Department appeared before Council and provided a staff report.

b. Citizen Presentations

There was no one present desiring to be heard in connection with the public hearing.

c. Council Action

Motion: Council Member Jordan made a motion, seconded by Council Member Hicks, that the public hearing be closed and Mayor and Council Communication No. L-15146 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

E. Planning & Zoning

1. M&C PZ-2926 - Adopt an Ordinance for the Owner-Initiated Disannexation of Approximately 168.0 Acres of Land Located South of Avondale-Haslet Road and West of Farm to Market Road 156, DAX-11-001, LeTara Subdivision.

The recommendation was that the City Council Adopt an Ordinance Declaring Certain Findings; Providing for the Retraction of Certain Boundary Limits of the City of Fort Worth; Providing for the Disannexation of an Approximately 168.0 Acre Tract of Land Situated in the Coleman Boyd Survey, Abstract 225, Situated About 13.8 Miles North Seven (7) Degrees West of the Courthouse, Tarrant County, Texas (Case No. DAX-11-001) Which Said Territory Lies Within the Present Corporate Boundary Limits of Fort Worth, Texas; Providing That the Territory Disannexed Shall Not Bear Its Pro Rata Part of Taxes; Providing That the Inhabitants Thereof Shall No Longer Be Citizens of Fort Worth, Texas; Providing That This Ordinance Shall Amend Every Prior Ordinance in Conflict Herewith; Providing That This Ordinance Shall be Cumulative of All Prior Ordinances Not in Direct Conflict.

Mr. Al Burtin, 1000 Texas Trail, completed a speaker card in support of Mayor and Council Communication No. PZ-2926, but did not wish to address the City Council.

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. PZ-2926 be approved and Ordinance No. 19559-02-2011 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

F. Award of Contract

1. M&C C-24724 - Authorize the City Manager to Sign a Notice of Quiet Zone Establishment Certification for the Creation of the Hemphill West Quiet Zone that Includes Burlington Northern Santa Fe Railway Company Crossings at Lipscomb Street, Capps Avenue, Hemphill Street and Page Street and Authorize the City Manager to Enter Into an Agreement with Burlington Northern Santa Fe Railway Company for Railroad Signal Upgrades in the Amount of \$382,618.00. (Continued from a Previous Meeting)

It was the Consensus of the Council that Mayor and Council Communication C-24724 Authorize the City Manager to Sign a Notice of Quiet Zone Establishment Certification for the Creation of the Hemphill West Quiet Zone That Includes Burlington Northern Santa Fe Railway Company Crossings at Lipscomb Street, Capps Avenue, Hemphill Street and Page Street; and Authorize the City Manager to Enter Into an Agreement With Burlington Northern Santa Fe Railway Company for Railroad Signal Upgrades in the Amount of \$382,618.00, be continued until the March 1, 2011, Council meeting.

2. M&C C-24740 - Authorize Renewal of City Secretary Contract No. 37961, as Amended, with Oracle America, Inc., for Continued Annual Maintenance and Support of PeopleSoft Enterprise Financial and Supply Chain Management and Oracle Hyperion Budget Planning Software for an Annual Amount of \$332,227.48.

The recommendation was that the City Council Authorize the City Manager to Renew City Secretary Contract No. 37961, as Amended, With Oracle America, Inc., for Continued Annual Maintenance and Support of PeopleSoft Enterprise Financial and Supply Chain Management and Oracle Hyperion Budget Planning Software for an Annual Amount of \$332,227.48.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-24740 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

(Please see page 23 for reconsideration of this item.)

3. M&C C-24741 - Authorize Amendment No. 1 to City Secretary Contract No. 38736 with Salvaggio, Teal and Associates for Enterprise Resource Planning, in the Amount of \$440,832.00 to Provide Continued Implementation Preparation Activities for the Implementation of Phase II of the Enterprise Resource Planning Project.

The recommendation was that the City Council Authorize Amendment No. 1 to City Secretary Contract No. 38736 With Salvaggio, Teal and Associates for Enterprise Resource Planning in the Amount of \$440,832.00 to Provide Continued Implementation Preparation Activities for the Implementation of Phase II of the Enterprise Resource Planning Project.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24741 be approved. The motion carried seven (7) ayes to one (1) nay, with Council Member Hicks casting the dissenting vote and with Council Member Burns absent.

4. M&C C-24742 - Authorize a Contract with Freese and Nichols, Inc., in the Amount of \$2,012,340.00 for Services Related to the Cleanup of Riverside Wastewater Treatment Plant in Gateway Park.

The recommendation was that the City Council Authorize the City Manager to Execute a Contract With Freese and Nichols, Inc., in the Amount of \$2,012,340.00 for Professional Services Related to the Evaluation and Cleanup of the Former Riverside Wastewater Treatment Plant in Gateway Park.

(C-24742 Continued)

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. C-24742 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

Mayor Moncrief advised that Mayor and Council Communication No. C-24740 would need to be reconsidered.

(The Council moved back up the agenda to reconsider Mayor and Council Communication No. C-24740.)

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-24740 be reconsidered. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

2. M&C C-24740 - Authorize Renewal of City Secretary Contract No. 37961, as Amended, with Oracle America, Inc., for Continued Annual Maintenance and Support of PeopleSoft Enterprise Financial and Supply Chain Management and Oracle Hyperion Budget Planning Software for an Annual Amount of \$332,227.48.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-24740 be approved with the assurance that there were contractual terms that required total performance by PeopleSoft Enterprise Financial. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

Council Member Hicks expressed great concern relative to moving forward with Phase 2 due to the issues that were still occurring weekly with Phase 1.

XV. PUBLIC HEARING

1. Second Public Hearing for a Proposed Service Plan for Approximately 80 Acres of Land in Tarrant County, Located North of Wall Price Keller Road and East of Ray White Road. (AX-10-007 ANNEXATION AREA 15-2)

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

a. Report of City Staff

Ms. Beth Knight, Senior Planner, Planning and Development Department, appeared before Council and provided a staff report.

b. Citizen Comments

There was no one present desiring to be heard in connection with the public hearing.

(XV. PUBLIC HEARING Continued)

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that the public hearing be closed. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

XVI. ZONING HEARING

1. Zoning Docket No. ZC-10-150A - City of Fort Worth Planning & Development Department, Central Meadowbrook Neighborhood, Phase 2, 5221 and 5401 E. Lancaster Avenue; from: "F" General Commercial to: "E" Neighborhood Commercial (Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council, at its meeting of December 7, 2010, Continued Zoning Docket No. ZC-10-150A, City of Fort Worth Planning & Development, 5221 & 5401 East Lancaster Avenue; from "F" General Commercial to "E" Neighborhood Commercial.

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

James D. Bews, President, Central Meadowbrook Neighborhood Association, 1709 Watson Street, appeared before Council in support of Zoning Docket No. ZC-10-150A and expressed appreciation to the Mayor and Council for the progress made and zoning changes in the area. He provided an overview of the zoning on each property and stated that the neighborhood association supported the recommendation of the Zoning Commission and requested Council approve this item.

Mr. Jim Schell, 901 Fort Worth Club Building, appeared before Council in opposition to Zoning Docket No. ZC-10-150A and stated that he represented the owner of a 0.21 acre tract of land at 5221 East Lancaster. He advised that this involved the rights of the property owner and the legal non-conforming designation made it difficult to get title insurance and the property owner also would not be able to refinance the property.

Motion: Council Member Hicks made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-10-150A be approved. The motion carried seven (7) ayes to one (1) nay, with Council Member Burdette casting the dissenting vote and Council Member Burns absent.

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

ORDINANCE NO. 19560-02-2011

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

The motion carried seven (7) ayes to one (1) nay, with Council Member Burdette casting the dissenting vote and Council Member Burns absent.

XVII. CITIZEN PRESENTATIONS

1. Mr. Joe Don Brandon, P.O. Box 1722, "busstopsanta.com sign on homeless count video of Star-Telegram"

Mr. Joe Don Brandon, P.O. Box 1155, appeared before Council relative to the homeless community issues. He displayed a small baked potato and a small apple and advised that the shelters were attempting to cut back on feeding the homeless and stated that these meager portions were being served to the homeless. He also displayed a photograph of Mayor Moncrief in Sundance Square and stated that any issues he had with the Mayor stayed at City Hall. He displayed photographs of the shower stalls at the Day Resource Center and the Presbyterian Night Shelter and stated they were dirty and unacceptable. He also referenced a homeless woman named Maria and stated that she had been assaulted and complaints were ignored. He also displayed a photograph of an area of bushes outside of the Salvation Army and stated that the homeless individuals who lived there were not included in the homeless count.

Other Citizen Presentations:

Ms. Opal Lee, 417 South Judkins Street, appeared before Council and advised that the community food bank would be celebrating their first full year in their new building in May 2011. She invited everyone to attend the open house event at the Community Food Bank that will be held in May and stated more details would follow.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 15, 2011
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Mayor Moncrief advised that a Special Council Meeting would be held at 2:00 p.m. to hear the appeals by certain parties against Mayor Pro tem Scarth and Council Member Jordan by local residents.

There being no further business the meeting was recessed into Executive Session at 11:56 a.m.

XVIII. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER)

After proper notice given pursuant to the Texas Open Meetings Act, Mayor Moncrief recessed the regular session of the Fort Worth City Council at 11:56 a.m. to convene into the Special City Council Meeting for the closed Executive Session in the Pre-Council Chamber of the Fort Worth Municipal Building.

Present:

Mike Moncrief, Mayor
Danny Scarth, Mayor Pro tem, District 4
Salvador Espino, Council Member District 2
W. B. "Zim" Zimmerman, Council Member District 3
Frank Moss, Council Member District 5
Jungus Jordan, Council Member District 6
Carter Burdette, Council Member District 7

Absent:

Kathleen Hicks, Council Member District 8
Joel Burns, Council Member District 9

Staff Present:

Tom Higgins, Interim City Manager
Sarah Fullenwider, City Attorney
Marty Hendrix, City Secretary

With a quorum of the City Council Members present, and with Council Members Burns and Hicks absent, the Fort Worth City Council convened into closed Executive Session at 12:06 p.m. in the Pre-Council Chamber of the Fort Worth Municipal Building to discuss matters pertaining to the following:

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, and as authorized by Section 551.071 of the Texas Government Code:

(XVIII. EXECUTIVE SESSION Continued)

a. Legal issues related to four Fort Worth Selective Traffic Enforcement Program (STEP) grants funded by the Texas Department of Transportation (TxDOT); and

b. Legal issues concerning any item listed on today's City Council meeting agendas.

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

3. Deliberate 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.

With no further discussions, Mayor Moncrief adjourned the closed Executive Session of the Fort Worth City Council at 12:16 p.m., and reconvened back to open session.

There was no formal action taken by the City Council on the items discussed during the Executive Session and with no further business to be conducted in the open meeting, Mayor Moncrief adjourned the meeting at 12:16 p.m., on Tuesday, February 15, 2011.

XIX. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:16.

No Documents for this Section

To the Mayor and Members of the City Council**March 1, 2011**

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**SUBJECT: ALTERNATIVE METHOD FOR THE MANAGEMENT OF ASBESTOS DURING DEMOLITION OF REGULATED STRUCTURES.**

The purpose of this report is to provide details on alternatives for the management of asbestos during demolition of regulated structures.

The City of Fort Worth began working with the U.S. Environmental Protection Agency (EPA) in 1997 regarding the potential to expand the application of the "wet" demolition requirements to include substandard buildings as declared by the Building Standards Commission. The "wet" demolition option applies to buildings that have been declared "in danger of imminent collapse or structurally unsound."

The City of Fort Worth in partnership with the EPA performed a pilot test of this method on a residential duplex in 1999. Based on the favorable pilot test results, Fort Worth and EPA continued to work together to identify other properties to perform the method. The final property looked at under the Fort Worth Method was the Cowtown Inn. However, the Cowtown Inn's demolition was performed following traditional means with the removal of asbestos prior to demolition, not by the Fort Worth Method.

The EPA then drafted the Alternative Asbestos Control Method (AACM), which took the process further to include more engineering controls such as adding "soap" to the water to increase wetting effectiveness and removing soil following a demolition. EPA began AACM assessment at Fort Chaffee in Fort Smith, Arkansas, by performing a side-by-side comparison of the traditional National Emission Standard for Hazardous Air Pollutants (NESHAP) and the AACM. The results from the assessment went through peer review and the report was finalized.

The AACM was subsequently tested by the EPA again at Fort Chaffee on a building with asbestos cement siding (AACM2). This report has gone through peer review, but has yet to be published in final form by EPA. The final AACM assessment was a joint effort between the City of Fort Worth and EPA to use the AACM on a small building that contained "popcorn" or acoustic ceiling texture (AACM3). This report too has gone through peer review but has yet to be published in final form by EPA.

With the final reports for AACM2 and AACM3 still unpublished, the Alternative Asbestos Control Method is on hold. Until the reports are published and the EPA makes changes to the NESHAP rules to allow the AACM as one option in the management of asbestos during demolition, the City of Fort Worth and others cannot legally use the AACM. The City's options primarily include removal of regulated asbestos prior to demolition or, if the structure has deteriorated to the point of being in danger of imminent collapse or structurally unsound, the City may legally use the NESHAP wet demolition provision to manage the asbestos.

If you have any questions regarding this topic, please contact Michael A. Gange, TPW Assistant Director, at 817.392.6569.

for Tom Higgins
Interim City Manager

To the Mayor and Members of the City Council**March 1, 2011**

Page 1 of 1

**SUBJECT: UPDATE ON THE ACQUISITION OF A COMMUNITY PARK IN THE NORTHWEST SECTOR AND APPLICATION FOR A TEXAS PARKS AND WILDLIFE GRANT**

The purpose of this Informal Report is to provide an update on the planned acquisition of a community park in the northwest sector of the City of Fort Worth. In addition, this report outlines the process for application of a Texas Parks and Wildlife Department Out door Urban Grant in an amount of up to \$1,000,000. The deadline for applications for the August 2011 award cycle is Tuesday March 1, 2011. Under this grant program, land can serve as a match for state funds under the Local Park Fund. The Parks and Community Services Department has successfully utilized this grant match alternative in the past for the development of Arcadia North, Arcadia South and North Community Parks.

Under the Park Dedication Policy of the City's Sub Division Ordinance developers are required to provide land or fees for neighborhood parkland, neighborhood parkland development and community parkland acquisition to serve residential development. On June 9, 2009 (M&C G-16592) the City Council authorized an amendment to the policy to allow for consolidation of acquisition funds by Park Planning District (PPD) which is made up of a number of Community Park Units. This action enabled the pooling of funds to more effectively assemble large tracts of land for community parkland acquisition. In the case of the proposed Northwest Community Park, the fees collected for community parkland in PPD 5 (which includes Community Park Units in the north/northwest sector of the City) will be utilized to acquire the land. The City Council authorized staff to initiate negotiations for purchase of a 245 acre tract of land in PPD 5 in March 23, 2010.

Should the TPWD grant be awarded to the City, the state funds will be utilized for improvements on the property and first phase development of the park. As required by the grant guidelines the City must conduct a public hearing and the governing body approve a resolution authorizing the application and designating a city official to represent the City. The required resolution is included on the March 1, 2011 City Council meeting agenda.


for **Tom Higgins**
Interim City Manager

**To the Mayor and Members of the City Council****March 1, 2011**

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SUBJECT: INCENTIVE PROPOSAL FOR OLIVER'S FINE FOODS, INC. FOR THE CONVERSION OF VACANT SPACE AT 415 THROCKMORTON STREET INTO A NEIGHBORHOOD GROCERY STORE**Background:**

Oliver's Fine Foods, Inc. (the Company) is a family-owned and operated neighborhood market that specializes in prepared appetizers and meals, gourmet cheese, fresh meats and fish, deli meats, sandwiches, salads, and desserts, as well as premium wines and beer. The Company currently has one location in Mansfield, Texas.

The Company intends to invest \$1.5 million to convert 6,600 square feet of vacant space at 415 Throckmorton Street (the Leased Space) into a neighborhood grocery store with a full-service deli and restaurant designed to cater the needs of those living and visiting the downtown Fort Worth area. The Company intends to hire a minimum of twenty (20) full-time employees.

Incentive Proposal:

The proposed incentive proposal for the Company involves a combination of economic development tools. Because of a gap between the costs to finish out the Leased Space for use as a grocery store and the achievable market rents at the site, the Fort Worth Local Development Corporation (the LDC) has agreed to loan the Company up to \$450,000 to help the Company complete the necessary renovations. Provided the Company meets the commitments listed below, the Company will be eligible to receive annual Economic Development Program Grants for up to twenty (20) years equal to a maximum of 100 percent of the available \$0.01 City sales tax generated from the store. The Economic Development Program Agreement will expire after 20 years or on the date in which the LDC loan has been repaid in full, whichever occurs first. Sundance West Partners, LP, the landlord of the space, will serve as a guarantor of the loan.

As a part of the project, it is also proposed that the Company enter into a Development Agreement with the Downtown TIF Board of Directors to reimburse up to \$100,000 in costs associated with public streetscape improvements.

Company Commitments:

The Company pledges to:

- Invest at least \$1.5 million to convert 6,600 square feet of vacant space at 415 Throckmorton Street to a neighborhood grocery store by December 31, 2011
 - At least \$1 million with Fort Worth companies
 - At least \$500,000 with M/WBE companies
- Invest at least \$80,000 in annual discretionary service and supply expenditures
 - At least 80% (\$64,000) with Fort Worth contractors
 - At least 5% (\$4,000) with M/WBE contractors

To the Mayor and Members of the City Council**March 1, 2011**

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**SUBJECT: INCENTIVE PROPOSAL FOR OLIVER'S FINE FOODS, INC. FOR THE CONVERSION OF VACANT SPACE AT 415 THROCKMORTON STREET INTO A NEIGHBORHOOD GROCERY STORE**

- Employ a minimum of 20 full-time employees by December 31, 2011
 - At least 90% (18) with Fort Worth residents
 - At least 50% (10) with Fort Worth Central City residents

Next Steps:

An M&C for City Council consideration will be placed on the March 8, 2011 agenda. The M&C will authorize the City Manager to execute an Economic Development Program Agreement with Oliver's Fine Foods, Incorporated.

City staff intends to recommend that the Downtown TIF Board of Directors approve a Development Agreement with the Company that would reimburse up to \$100,000 for public streetscape improvements related to the development at the scheduled Downtown TIF Board meeting on March 31, 2011. Additionally, the Local Development Corporation Board will consider the approval of the loan agreement at its March 1st meeting.

If you have any questions regarding this Informal Report please contact Jay Chapa, Housing and Economic Development Director, at 817.392.5804.


for **Tom Higgins**
Acting City Manager

To the Mayor and Members of the City Council

March 1, 2011

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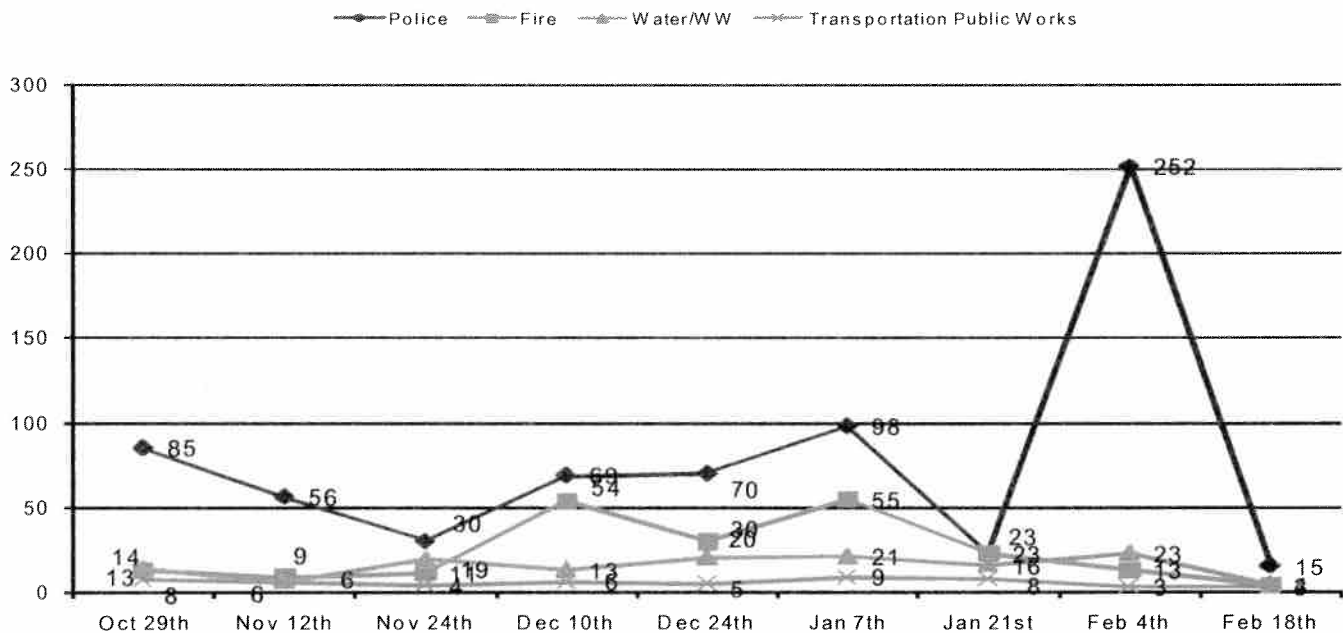


SUBJECT: ENTERPRISE RESOURCE PLANNING (ERP) PROJECT - PHASE I UPDATE

The purpose of this Informal Report is to provide an update on the current status of payroll performance and corrections.

Pay Correction Checks Paid Citywide: The chart and table below depict the number of pay correction checks issued.

Paycheck Correction Checks Paid Citywide (as of February 18, 2011)



The spike in number of Pay Period 03 correction checks was due to an Oracle system defect detected the week of February 1. All employees impacted by this anomaly received an off cycle check the week of February 7. Staff has implemented a work around and will continue to monitor the issue until the vendor provides a permanent solution.

INFORMAL REPORT TO CITY COUNCIL MEMBERS**No. 9365****To the Mayor and Members of the City Council****March 1, 2011**

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**SUBJECT: ENTERPRISE RESOURCE PLANNING (ERP) PROJECT - PHASE I UPDATE****Other City Departments Not Show'n on Previous Page**

	Oct 29th	Nov 12th	Nov 24th	Dec 10th	Dec 24th	Jan 7th	Jan 21st	Feb 4th	Feb 18th
Parks and Community Services	10	6	3	7	4	10	11	1	0
Municipal Court	1	6	3	5	4	7	3	4	1
Code Compliance	4	2	3	3	1	1	5	0	0
City Manager	0	0	3	5	0	0	0	0	0
Planning and Development	3	1	1	2	1	3	9	0	0
City Secretary	2	0	0	1	0	0	2	0	1
Equipment Services	1	0	1	0	2	0	1	10	0
Financial Management Services	0	0	2	1	0	2	1	7	0
Housing and Economic Develop	0	1	1	0	2	0	3	0	0
Library	2	1	0	0	0	2	2	0	0
Public Events	3	0	0	0	0	0	0	3	1
Information Technology	0	0	1	1	0	1	0	0	7
Community Relations	1	0	0	0	0	0	0	0	0
Human Resources	1	0	0	0	1	1	1	0	0
Internal Audit	0	0	0	0	1	1	0	0	0
Aviation	0	0	0	0	0	0	0	1	0
Law	0	0	0	0	0	0	0	0	1

Analysis of Dollar Values of Corrections: The following table provides a breakdown of the correction checks by dollar categories for each pay period.

Check Amount	Pay Period									Total
	Oct 29th	Nov 12th	Nov 24th	Dec 10th	Dec 24th	Jan 7th	Jan 21st	Feb 4th	Feb 18th	
less than \$50	32	6	1	14	16	16	13	46	6	150
between \$50 and \$100	23	10	1	26	12	26	28	57	4	187
between \$100 and \$250	54	39	37	47	45	67	40	124	16	469
between \$250 and \$500	22	21	22	44	48	69	15	70	5	316
between \$500 and \$750	6	10	6	15	7	18	4	13	3	82
between \$750 and \$1000	6	5	2	6	6	7	3	4	0	39
between \$1000 and \$1500	3	3	5	5	5	5	1	0	2	29
between \$1500 and \$2000	2	0	4	6	2	2	2	1	0	19
between \$2000 and \$2500	0	0	0	2	0	1	0	2	0	5
greater than \$2500	0	0	4	2	0	0	2	0	1	9

The total number of checks/advices produced since 18 Oct 2010 is 55,776. The total number of off cycle checks is 1,305 which is 2.34%.

To the Mayor and Members of the City Council

March 1, 2011

Page 3 of 3


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

Police Paycheck Inquiries: The following table tracks the number of paycheck inquiries submitted to the Central Payroll Processing Team (CPPT) in Police. These inquiries are researched by the task force of CPPT and ERP Support Team members to determine the appropriate resolution. The resolutions of the inquiries can be payment of a shortage, reduction of subsequent check due to overage, adjustments to leave balance, and/or confirmation that policies enforced by the system are functioning properly and the paycheck is correct.

	29-Oct-10	12-Nov-10	24-Nov-10	10-Dec-10	23-Dec-10	7-Jan-11	21-Jan-11	4-Feb-11	18-Feb-11	Total
	PP22	PP23	PP24	PP25	PP26	PP01	PP02	PP03	PP04	
Total inquiries rcvd by CPPT	226	240	156	249	209	174	155	162	54	1625
Total inquiries researched completed	-224	-228	-152	-234	-167	-148	-110	-43	-3	-1309
Total Remaining to be researched	*2	*12	*4	*15	42	*26	*45	*119	51	316

* Since the last report, PD reported additional inquiries along with requests for review of previously researched/completed inquiries.

Update on Deployment of Resources to Assist Police: On January 4, 2011, City Council approved the addition of contract resources for support of Police, implemented as follows.

- Five consultants are now being utilized to provide support for Police payroll correction inquiries and verification.
- Continued use of time entry resources deployed on January 12th at ERP to address volume of Police time entry and expand support to additional Police Divisions.

Payroll Advances: The City continues to make payroll advances available for those employees whose pay may be adversely impacted by the PeopleSoft implementation. When approved by departmental management, an employee is eligible to receive an advance up to the estimated amount of the shortage in pay. While employees must repay these advances, repayment is deferred until the related payroll issues are researched and resolved. Payroll advance checks will be available one business day after receipt in the FMS payroll office except during regular payroll week when checks are only run on Monday and Friday.

The next IR update will be provided to Council on March 8, 2011.

If you have any questions, please contact Pete Anderson, Director, IT Solutions Department at 817-392-8781.

Tom Higgins
Interim City Manager



To the Mayor and Members of the City Council

March 1, 2011

Page 1 of 2

**SUBJECT: UPDATE ON PAD SITES REPORTED WITH HIGHER EMISSIONS
WITHIN THE NATURAL GAS AIR QUALITY STUDY – INTERIM
REPORT PREPARED BY EASTERN RESEARCH GROUP, INC.**

The purpose of this Informal Report is to provide an update about the pad sites reported with higher emissions in the Natural Gas Air Quality Study – Interim Report prepared by Eastern Research Group, Inc. (ERG).

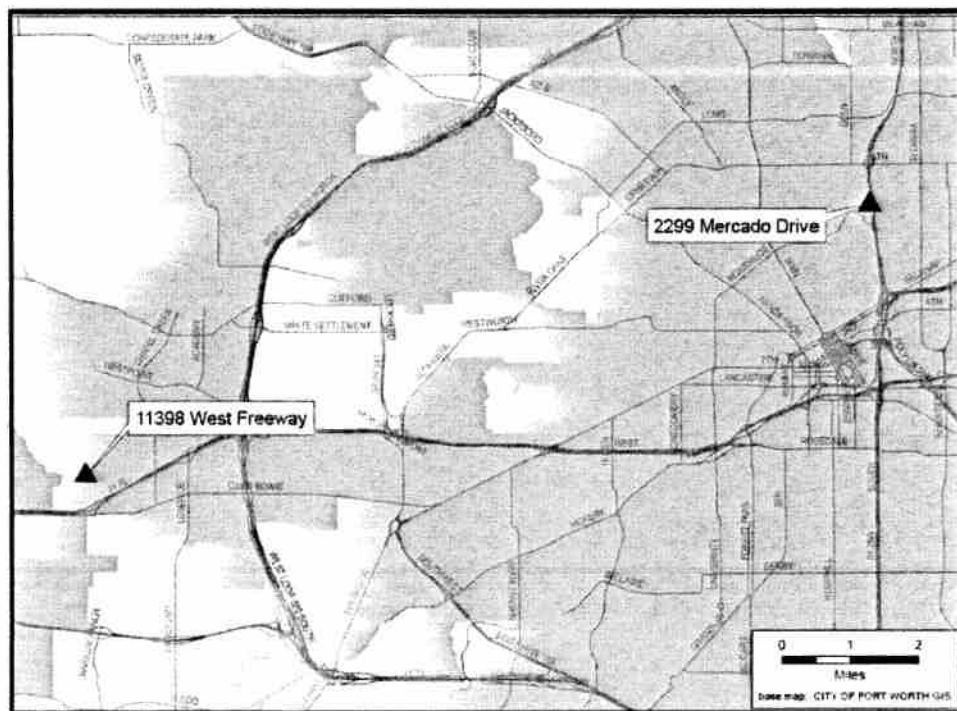
The Interim Report identified two pad sites with higher point source emissions: 2299 Mercado Drive and 11398 West Freeway. The site operators have taken the opportunity to review site operations. Additionally, the Texas Commission on Environmental Quality (TCEQ) has visited both sites to perform Compliance Investigations. TCEQ is now reviewing emissions inventory data, Interim Report data, and observed site operating conditions. These Compliance Investigations will culminate in a Final Compliance Report to be issued and made public for each site. The Final Compliance Reports are expected to be finalized by TCEQ by the end of April.

ERG has completed the revisits on each site. In general site operating conditions were similar during the February 2011 visits as they were during the September 2010 visits.

ERG has found an error in their emission calculation for 2299 Mercado Drive site. The revised preliminary findings indicate annual volatile organic compound (VOC) emissions of 0.3535 tons/year instead of the previously reported 103.78 tons/year. The error was found in the spreadsheet used to calculate the emissions.

The 11398 West Freeway site had no such error. Additionally, the 2299 Mercado Avenue site should have been listed with a "B" flag on the Preliminary Results Table 1. The "B" flag means that overall point source emissions at the site were preliminarily calculated with only a chemical profile from a tank emission.

ERG has taken measures to put in place more rigorous data control and review processes. All results in the Interim Report are preliminary and as such are subject to change in the Final Report.



To the Mayor and Members of the City Council

March 1, 2011

Page 2 of 2



**SUBJECT: UPDATE ON PAD SITES REPORTED WITH HIGHER EMISSIONS
WITHIN THE NATURAL GAS AIR QUALITY STUDY – INTERIM
REPORT PREPARED BY EASTERN RESEARCH GROUP, INC.**

The City of Fort Worth continues to work with TCEQ on their Compliance Investigations to ensure TCEQ understands the methodology used for the point source emission calculations within the Interim Report.

Please refer any questions to Michael A. Gange, Assistant Director of TPW – Environmental Services Division at extension 6569.


for Tom Higgins
Interim City Manager

No Documents for this Section

A Resolution

NO. _____

AMENDING THE RULES OF PROCEDURES OF THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS

WHEREAS, Chapter III, Section 5 of the City Charter provides that the City Council shall determine rules of procedure for its meetings; and

WHEREAS, the City Council adopted its current Rules of Procedure on January 8, 1960, and have amended the rules from time to time since then; and

WHEREAS, the City Council desires to further amend its Rules of Procedure as set forth herein in order to (i) conform the rules to current City practices and procedures; (ii) revise current rules regarding starting times for Pre-Council meetings, citizen presentations, and the Zoning Hearing's placement on the agenda; and (iii) make minor clerical changes, all as more specifically set forth in Exhibit "A", in which text deletions are indicated by a strikethrough and text additions are indicated by a double-underline; and

WHEREAS, the proposed amendments were introduced during the City Council meeting of March 1, 2011;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT the Rules of Procedure, City Council of the City of Fort Worth (adopted on January 8, 1960, as amended) are hereby amended to read as set forth in Exhibit "A".

1. This Resolution shall take effect on May 1, 2011.

2. The City Attorney and City Secretary are directed to prepare a new printing of the Rules of Procedure, as amended, and distribute same to the members of the City Council, City Manager and other City staff as deemed appropriate.

ADOPTED THIS THE _____ DAY OF _____, 2011.

Mike Moncrief, Mayor

Sarah Fullenwider, City Attorney



Resolution No. _____
Page 2 of 2

Attest:

Marty Hendrix, City Secretary



RULES OF PROCEDURE

CITY COUNCIL of the CITY OF FORT WORTH

**Originally Adopted
January 8, 1960**

Second Printing, February 1964

Third Printing, March 1968

Fourth Printing July 1976

Fifth Printing January 1978

Sixth Printing, March 1980

Seventh Printing December 1980

Eighth Printing, June 1987

Ninth Printing, May 1991

Tenth Printing, January 2001

Eleventh Printing, September 2005

Twelfth Printing, May 2008

Thirteenth Printing, November 2008

Fourteenth Printing, August 2009

Fifteenth Printing, March 2011

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City of Fort Worth, Texas
City Council
Rules of Procedures

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RULES OF PROCEDURE

1. AUTHORITY

- 1.1 Charter: Chapter [3III](#), Section 5 of the Charter of the City of Fort Worth provides that the Council shall determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided for by these rules.

2. GENERAL RULES

- 2.1 Meetings to be Public: All official meetings of the Council and all sessions of a Committee of the Council shall be public. (Charter - Ch. [III3](#), Sec. 5)
- 2.2 Quorum: Six members of the Council shall constitute a quorum. (Charter - Ch. [III3](#), Sec. 5)
- 2.3 Compelling Attendance: The Council may compel the attendance of absent members. (Charter - Ch. [III3](#), Sec. 5)
- 2.4 Misconduct: The Council may punish its own members for misconduct. (Charter - Ch. [III3](#), Sec. 5)
- 2.5 Minutes of Meetings: An account of all proceedings of the Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the Council.
- 2.6 Questions to Contain One Subject: All questions submitted for a vote shall contain only one subject. If two or more points are involved, any member may require a division, if the question reasonably admits of a division. (Charter - Ch. [XXV-25](#), Sec. 7)
- 2.7 Right of Floor: Any member desiring to speak shall be recognized by the Chairman, and shall confine his or her remarks to the subject under consideration or to be considered. No member shall be allowed to speak more than once on any one subject until every member wishing to speak shall have spoken.
- 2.8 City Manager: The City Manager, or Acting City Manager, shall attend all meetings of the Council unless excused. He may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote. (Charter - Ch. [V5](#), Sec. 2(5))

2.9 City Attorney: The City Attorney, or Acting City Attorney, shall attend all meetings of the Council unless excused, and shall upon request give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Council's parliamentarian. (Charter - Ch. [VI](#)6, Sec. [14](#))

2.10 City Secretary: The City Secretary, or Acting City Secretary, shall attend all meetings of the Council unless excused, and shall keep the official minutes and perform such other duties as may be requested of him/her by the Council.

2.11 Officers and Employees: Any officer or employee of the City, when requested by the City Manager, shall attend any meeting of the Council. If requested to do so by the City Manager, they may present information relating to matters before the City Council.

2.12 Rules of Order: Roberts Rules of Order Revised shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

2.13 Suspension of Rules: Any provision of these rules not governed by the City Charter or Code may be temporarily suspended by a two-thirds vote of all members of the Council. The vote on any such suspension shall be taken by ayes and noes and entered upon the record.

2.14 Amendment to Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

3. TYPES OF MEETINGS

3.1 Regular Meetings: The Council shall meet in the Council Chambers at the City Hall on Tuesday of each week at 10:00 ~~a.m.A.M.~~, except that the first and second Tuesday meetings of each month shall be scheduled for 7:00 ~~p.m.P.M.~~, unless otherwise officially changed by the City Council.

3.2 Special Meetings: The Mayor or any three Council members may call a special meeting. Such call shall be in writing and shall state the object of the meeting, and no business shall be transacted other than that specified in the call, in accordance with state law. (Charter - Ch. [III](#)3, Sec. [5](#))

3.3 Recessed Meetings: Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular meeting. If a meeting is recessed to a date other than the following calendar day,

notice of the meeting shall be posted in accordance with the Texas Open Meetings Act.

3.4 Pre-Council Meetings: The Council shall meet in the Pre-Council Chambers at the City Hall at 8:30 ~~a.m.~~~~A.M.~~ before a for all day~~time~~ Council meetings, and at 3:00 p.m.~~2:30 P.M.~~ before a for all night Council meetings ~~on the first Tuesday of each month, and at 3:30 P.M. before a Council meeting on the second Tuesday of each month~~, unless otherwise changed by the City Council or City Manager. ~~(Revised by Resolution No. 3242-08-2005, 8/16/05)~~

3.5 Council Committee Meetings: City Council Committee meetings will be held at such times as may be called by the City Manager. (Revised by Resolution No. 3242-08-2005, 8/16/05)

4. CHAIRMAN AND DUTIES

4.1 Chairman: The Mayor, if present, shall preside as Chairman at all meetings of the Council. In the absence of the Mayor, the Mayor Pro tem shall preside. In the absence of both the Mayor and the Mayor Pro tem, the remaining Council members shall elect one member to serve as the presiding officer for the meeting. (Charter - Ch. III 3, Seec. 6)

4.2 Call to Order: The meetings of the Council shall be called to order by the Mayor, or in his absence, by the Mayor Pro tem. In the absence of both the Mayor and the Mayor Pro tem, the meeting shall be called to order by the City Secretary.

4.3 Preservation of Order: The Chairman shall preserve order and decorum, prevent personal attacks and the impugning of members' motives, and confine members in debate to the question under discussion. Demonstrations, the carrying of signs or placards, or other activities which disturb the peace and good order of the meeting shall not be permitted in the council chambers.

4.4 Points of Order: The Chairman shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Chairman be sustained?"

4.5 Questions to be Stated: The Chairman shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member.

4.6 Substitution for Chairman: The Chairman may call any other member to take his place in the chair, such substitution not to continue beyond adjournment.

5. ORDER OF BUSINESS

- 5.1 Agenda: The order of business of each meeting shall be as contained in the Agenda prepared by the City Manager. The Agenda shall be a listing by topic of subjects to be considered by the Council, and delivered to members of the Council each Thursday preceding the Tuesday meeting to which it pertains.

5.1.1.Zoning Hearing: The Zoning Hearing shall be scheduled for the first Tuesday night meeting of each month. The Zoning Hearing shall be placed in a prominent location on the agenda to follow closely both consideration of the Consent Agenda and the agenda item for Presentations and/or Communications from Boards, Commissions and/or City Council Committees.

- 5.2 Presentations by Members of Council: The Agenda shall provide a time when the Mayor or any Council Member may bring before the Council any business that he/she believes should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting. Immediate action may be taken upon a vote of two-thirds of all members of the Council, provided that the requirements of the Texas Open Meetings Act have been met.

- 5.2.1 Council Proposals: The “Council Proposal” (C.P.) form shall be the primary communication vehicle for those proposals and policy matters initiated by Council members and submitted to a vote of the City Council. The form should be used for all Council-initiated agenda items with the exception of routine matters such as changes in membership of boards and commissions, approval of ceremonial travel, and general announcements. In order to be listed on the City Council agenda, the Council Proposal form must be signed by two (2) Council members. The sponsoring Council members shall be responsible for initiating the C.P. and for providing direction to staff on their intent and wording. The City Manager’s Office and City Attorney’s Office are responsible for drafting the text of the C.P. C.P.s are subject to prior review and comment by the City Manager’s Office, the City Attorney’s Office, and Fiscal Services Department, and their respective comments shall be noted in the C.P. Upon providing written comments to the C.P., the City Manager and the City Attorney or their designee shall sign the C.P. before it is placed on the agenda. The City Manager shall place C.P.s on the Pre-Council agenda and in the “Presentations by the City Council” portion of the City Council’s meeting agenda for discussion. The sponsoring Council member shall introduce the C.P. at the Pre-Council and the City Council meetings. No C.P. shall be acted upon at the City Council meeting in which it is introduced, save and except a Reconsideration Council Proposal as described in Section 6.10, which must be introduced and acted upon as specified in Section 6.10. (Revised by Resolution No.

3242-08-2005, 8/16/05)

5.2.2 Council Requests for Staff Reports: City Council Members may request staff reports and other staff work through the City Manager or City Attorney. If the request involves a significant use of staff resources (generally defined as approximately four hours or more of staff time), the City Manager or City Attorney shall have the discretion to ask the Council member to bring the request forward during the “City Council Requests for Future Agenda Items and/or Reports” portion of the City Council’s Pre-Council meeting agenda and the request must receive a consensus from the City Council.

5.3 Agenda Deadline: Any person or group desiring to present a subject for the Council’s consideration or to make a ‘Special Presentation’ to the Council shall advise the City Secretary’s Office of that fact not later than 5:00 ~~p.m.~~P.M. on the Wednesday preceding the meeting at which he wishes the subject to be considered. The City Secretary shall have discretion to edit the title of any presentation to be listed on the Council agenda.

5.4 Presentations by ~~Citizens~~Persons Attending Council Meetings:

5.4.1 Any person who wishes to address the City Council during a meeting must be present in the City Council Chamber when called upon by the Chairman to speak. No person will be permitted to address the City Council unless that person has completed a speaker’s card in the form prescribed by the City Secretary. All speaker registration cards must be submitted at least fifteen (15) minutes prior to the scheduled starting time of the meeting (i.e. 9:45 a.m. for meetings beginning at 10:00 a.m. and 6:45 p.m. for meetings beginning at 7:00 p.m.).

5.4.2, Any person wishing to make a presentation that includes video or another form of electronic media must provide that information in digital format to the City Secretary’s Office no later than one (1) hour prior to the scheduled starting time of the meeting for review by the staff. City staff shall review the information as to form and content. The information shall not contain any statements, graphics or pictures that are offensive or reflect personal attacks on other individuals, the City Council members or City staff. The digital format must be compatible with the City’s technology equipment. The presentation will be tested prior to the meeting to ensure that it is compatible with the City’s equipment.

5.4.3. Presentations by ~~citizens, with or without prior notification, individuals~~ shall be limited to three minutes; ~~allowing~~ At the discretion of the ~~Chairman~~chair, this limit may be extended to reasonably extend those limits.

5.4.24. Presentation by a representative of an organized group consisting of a minimum of ten persons, ~~which is all of whom must be~~ present in the Council Chamber ~~and has selected a spokesperson at the time such representative is called upon by the~~ Chairman, shall be limited to ten minutes. At the discretion of the ~~Chairman~~ Chair, this limit may be extended. A person counted as an individual represented by the speaker shall not be permitted to speak individually on the same subject.

5.4.35. ~~The foregoing rules and time limitations shall apply to presentations of citizens appearing at any public hearing being held by the Council pursuant to official notice thereof. Persons wishing to address the City Council about an item that is specifically posted on the meeting agenda and who have completed a speaker's card at least fifteen (15) minutes prior to the scheduled start of the meeting will be permitted to speak at the time that agenda item is taken up by the Council for consideration.~~

5.4.46 ~~Citizen presentations scheduled in accordance with Section 5.3 of these rules shall be listed and heard under the "Citizen's Presentations" portion of the agenda, along with other citizens who have completed speaker's cards in the form prescribed by the City Secretary and whose presentations do not relate to a specific agenda item. Persons wishing to address the City Council about an item that is not otherwise posted on the meeting agenda and who have completed a speaker's card at least fifteen (15) minutes prior to the scheduled start of the meeting will be permitted to speak under the agenda item entitled "Citizen Presentations." The Chairman~~ Chair shall have the discretion to call for all or a portion of the citizen presentations to be made ~~at an~~ under that agenda item earlier or later ~~part of the agenda in the meeting;~~ however, the chair may give consideration to allow citizens who request to be placed on a City Council agenda by 12:00 noon on Thursday before the Council meeting to address the City Council at an earlier time during the City Council meeting. Responses to a citizen's presentation by the City Council and staff shall be in accordance with Texas Open Meetings Act requirements. If a citizen or City Council member raises a subject that has not been included in the public notice for the meeting, a response may consist only of a statement of specific factual information or a recitation of existing policy. Any further discussion of the subject shall be limited to a proposal to place the subject on the agenda for a future meeting for deliberation or decision. (Revised by Resolution No. 3242-08-2005, 8/16/05)

5.5 Communications to Mayor and Council: The City Manager shall provide the Council with an analysis of items to be acted upon by the Council at its meetings in the form of a "Mayor and Council Communication." These communications shall be delivered to Council members each Thursday preceding the Tuesday meetings at which they will be discussed, unless an emergency condition makes it necessary to deliver the communications on a subsequent day.

5.6 Oral Presentations by City Manager: Matters requiring the Council's attention or action which may have developed since the deadline for delivery of the written communication to the Council may, upon approval of the Council, be presented orally by the City Manager. If formal Council action on a subject is required, such action shall be delayed until the next succeeding meeting, except the immediate action may be taken if approved by a two-thirds majority of all members of the Council and providing that the requirements of the Texas Open Meetings Act have been met.

5.7 Competitive Bids; Drawing to be Held in Presence of City Council: When it is determined, after competitive bids have been received for the provision of goods or services to the City of Fort Worth, that identical low bids have been received from more than one bidder, and only one of the bidders submitting identical bids is a resident of the City of Fort Worth, the City shall select that bidder in accordance with Section 271.901 of the Texas Local Government Code. Otherwise, in the case of identical bids, a drawing shall be held to determine which bid will be accepted. Such bidders shall be notified in writing of the date of the drawing, which shall be held during the City Council meeting when the award of the subject contract is being considered. Notification of bidders shall be the responsibility of the Purchasing Division of the Finance Department, except for construction contracts for the Water Department and Transportation/Public Works Department, who will notify bidders for their respective contracts.

At the time of the drawing, the City Secretary shall provide a receptacle containing slips of paper equal in number to the number of low bidders. One of the slips shall be marked with an "X". A representative of each low bidder shall draw from the receptacle a slip of paper. The bid of the bidder who draws the slip of paper marked with an "X" shall be accepted.

This section does not prohibit the City Council from rejecting all bids.

6. CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS

6.1 Printed on Typewritten Form: All ordinances and resolutions shall be presented to the Council only in printed or typewritten form.

6.2 City Attorney to Approve: City Attorney shall approve or file written legal objections to every ordinance before it is acted upon by Council. (Charter-Ch. [VI](#)6, Sec. 1)

6.3 Action on Ordinances: Ordinances may be acted upon by the City Council during

the meeting at which they are introduced, subject to provisions of the City Charter and state law.

6.4 Distribution of Ordinances: The City Manager shall prepare copies of all proposed ordinances for distribution to all members of the Council at the meeting at which the ordinance is introduced, or at such earlier time as is expedient.

6.5 Recording of Votes: The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the Council. (Charter - Ch. [III3](#), Sec. 5)

6.6 Majority Vote Required: Approval of every ordinance, resolution, or motion shall require the affirmative vote of a majority of all members of the Council, except as specified in Section 8 of these Rules. (Charter - Ch. [III3](#), Sec. 5)

6.7 Tie Vote: In the event of a tie in votes on any motion, the motion shall be considered lost.

6.8 Voting Required: No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved, or unless excused by the Council for other valid reasons by majority vote. (Charter - Ch. [III3](#), Sec. 5)

6.9 Order of Precedence of Motions: The following motions shall have priority in the order indicated:

Undeatable	1.	Adjourn (when privileged) <u>1/</u> & <u>2/</u>	Privileged
	2.	Take a recess (when privileged) <u>1/</u> & <u>3/</u>	
	3.	Raise a question of privilege	
	4.	Lay on the table	
	5.	Previous question (2/3 vote required)	
	6.	Limit or extend limits of debate (2/3 vote required)	
Debatable	7.	Postpone to a certain time <u>3/</u>	Subsidiary
	8.	Commit or refer <u>3/</u>	
	9.	Amend <u>3/</u> & <u>4/</u>	
	10.	Postpone indefinitely	
	11.	Main motion <u>3/</u>	

1/ The first two motions are not always privileged. To adjourn shall lose its privileged character and be a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.

- 2/ A motion to adjourn is not in order:
 - 1) When repeated without intervening business or discussion
 - 2) When made as an interruption of a member while speaking
 - 3) While a vote is being taken
- 3/ Can be amended - others cannot be amended
- 4/ A motion to amend shall be undebatable when the question to be amended is undebatable.

6.10 Reconsideration. In order for an action to be reconsidered, a Reconsideration Council Proposal prepared in accordance with Section 5.2.1 of these rules shall be submitted to the City Manager's Office no later than 4:00 p.m. on the first Friday after the City Council meeting in which a vote was taken on the item. A Reconsideration Council Proposal can only be sponsored by a Council Member who voted with the prevailing side. A motion on the Reconsideration Council Proposal to reconsider any action of the Council can be made not later than the next succeeding official meeting of the Council following its submission to the City Manager's Office. Such motion can only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of the Council.

Notwithstanding the provisions above, a Reconsideration Council Proposal relating to any contract may be submitted to the City Manager's Office before the final execution thereof. In order for a contract to be reconsidered, a Reconsideration Council Proposal prepared in accordance with Section 5.2.1 of these rules shall be submitted to the City Manager's Office in sufficient time to allow for posting as required by law. A Reconsideration Council Proposal relating to a contract shall be placed on the first City Council agenda following 72 hours after submission to the City Manager's Office. A motion on the Reconsideration Council Proposal relating to a contract can only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of the Council. (Revised by Resolution No. 3242-08-2005, 8/16/05)

- 6.11 The Previous Question: When the previous question is moved and seconded, it shall be put as follows:

“Shall the main question be now put?” There shall then be no further amendment or debate; but pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the Council. An affirmative vote of two-thirds of the Council shall be required to move the previous question.

- 6.12 Withdrawal of Motions: A motion may be withdrawn, or modified, by its mover without asking permission until the motion has been stated by the Chairman. If the mover modifies his motion, the seconder may withdraw his second. After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the Council.

- 6.13 Amendments to Motions: No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.

- 6.14 Appropriations of Money: Before formal approval by the Council of motions providing for appropriation of money, information must be presented to the Council showing the purpose of the appropriation and the account to which it is to be credited. In addition, before finally acting on such an appropriation, the Council shall obtain a report from the City Manager as to the availability of funds and his recommendations as to the desirability of the appropriation.

- 6.15 Transfer of Appropriations: Upon the written recommendation of the City Manager, the Council may by ordinance transfer an unencumbered balance of an appropriation made for the use of one department, division, or section to any other department, division, or section; but no transfer shall be made of revenues or earnings of any non-tax supported public utility to any other purpose. (Charter - Ch. X+0, Sec. 3)

7. CREATION OF COMMITTEES. BOARDS. AND COMMISSIONS

- 7.1. Standing Council Committees: There shall be ~~four~~three standing City Council Committees—; Legislative and Intergovernmental Affairs; Housing and Economic Development; and Infrastructure and Transportation, ~~Environment, Neighborhoods and Community Services~~. The membership and chairs of the standing committees shall be appointed by the Mayor. All matters discussed by the Committees shall either (a) be referred to the appropriate committee by the Mayor after presentation to the City Council at a pre-council or council meeting, if a more in-depth review and

discussion by a smaller group would be beneficial, or (b) be placed on a committee agenda by the City Manager prior to taking the matter to the full Council. The agenda for each committee meeting shall be prepared by the City Manager and his staff. It shall be the responsibility of the Committee to provide thorough review of the matters brought before it and to provide feedback to the City Manager through either a consensus or a formal committee recommendation. All council committee meetings shall be open meetings posted in accordance with the Texas Open Meetings Act requirements. All final policy decisions shall be made by the City Council in open meetings posted in accordance with the Texas Open Meetings Act requirements. (Revised by Resolution No. 3242-08-2005, 8/16/05; Revised by Resolution No. 3619-05-2008, 05/27/08; Revised by Resolution No. 3674-11-2008, 11/11/08)

- 7.2 Ad Hoc Council Committees: The Council may, as the need arises, authorize the appointment of “Ad Hoc” Council committees. Except where otherwise specifically provided by the Charter, the Mayor shall appoint the members of the Ad Hoc Council committees, subject to the approval of the Council. Any Ad Hoc committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Council. (Revised by Resolution No. 3242-08-2005, 8/16/05)
- 7.3 Citizen Boards, Commissions, and Committees: The Council may create other Committees, Boards, and Commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify not inconsistent with the City Charter or Code. Memberships and selection of members shall be as provided by the Council if not specified by the City Charter or Code. Any Committees, Boards, or Commissions so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the Charter or Code.
- 7.4 Council Appointments to Boards, Commissions, and Committees: Council members desiring to make appointments shall use best efforts to distribute candidate information to other Council members at least one week in advance of the Council meeting at which the motion to appoint the candidate is to be made.
- 7.5 Audit and Finance Advisory Committee: There shall be an Audit and Finance Advisory Committee, which shall consist of six (6) members, no more than four (4) of whom may be members of the City Council and at least one (1) of whom shall be a financial professional (such as, without limitation, a certified public accountant, financial advisor, or actuary) who is not a member of the City Council. The

membership of the Audit and Finance Advisory Committee, as well as the chair and vice chair, shall be appointed by the Mayor. The specific duties and responsibilities of the Audit and Finance Advisory Committee shall be set forth in a charter adopted by the City Council resolution. Until such resolution is adopted, the charter for the Audit and Finance Advisory Committee previously approved by the City Council pursuant to M&C G-15473 shall continue in effect to the extent that it does not conflict with this Section 7.5. Three (3) members shall constitute a quorum of the Audit and Finance Advisory Committee. The act of a majority of the members appointed to serve on the Audit and Finance Advisory Committee, and not just those present and voting at a given meeting, shall constitute the act of the Committee. The agenda for each meeting of the Audit and Finance Advisory Committee shall be prepared by the City Manager and his staff. (Revised by Resolution No. 3775-08-2009)

8. **VOTES REQUIRED.** Approval of every ordinance, resolution, or motion shall require on final passage the affirmative vote of a majority of all members of the Council, except that the Charter, and certain State statutes impose other voting requirements on various questions. In addition, these rules set forth certain instances in which the number of votes required is greater than a majority of all members. As a matter of convenience, questions on which the voting requirement is varied by the Charter, [State statutes](#), and these rules are listed below.

8.1 Charter and State Statutory Requirements:

8.1.1 Changing Paving Assessment - 6 Votes: Change in plans for paving assessment requires a two-thirds vote of the Council. (Art. 1105b, Sec. 10, Revised Civil Statutes)

8.1.2 Use of Streets - 6 Votes: Ordinances granting privileged use of streets, which use does not involve the digging up of same, must be approved by two-thirds of the members of the Council. (Charter - Ch. [XXVI26](#), Sec. 4)

8.1.3 Changing of Zoning Ordinance - 7 Votes: Changes in zoning classifications, when a hearing is held by the Council and such change is protested by owners of twenty percent or more of the area within 200 feet of the affected property must have the approval of three-fourths of all members of the Council. (Texas Local Government Code, Sec. 211.006(d))

8.2 Council Rules Requirement:

8.2.1 Suspending Rules - 6 Votes: Council rules may be suspended by an affirmative vote of six (6) members of the Council. (Council Rules, 2.13)

8.2.2 ~~Special Meetings — 4 Votes: Special meetings may be called by the Mayor or any three (3) members. Such call shall be in writing and shall state the object of the meeting, and no business shall be transacted at such meeting other than that specified in the call. (Charter — Ch. III3, Sec. 5)~~

8.2.3 Limit or Extend Limits of Debate - 6 Votes: An affirmative vote of two-thirds of all members of the Council is required to limit or extend the limits of debate in Council meetings. (Council Rules, 6.9)

8.2.43. The Previous Question - 6 Votes: An affirmative vote of two-thirds of all members of the Council is required to move the previous question. (Council Rules, 6.11)

History of Adoption and Amendments:

Approved by the City Council the 8th day of January, 1960 and amended as follows:

Revised calendar for processing M&Cs and Council agenda (M & C G-180)	January 12, 1961
Changed distribution of M&Cs to Council from Thursday to Wednesday; changed M&C calendar. (M&C G-285)	August 13, 1962
Meeting time changed. (Ordinance No. 4770)	November 26, 1962
Agenda deadline changed (Pre-Council conference)	July 7, 1967
Citizen presentations transferred from end of agenda to Special Items; limit discussion to five minutes unless citizen contacts Council or City staff.	January 22, 1968
Amended Rules 5.4 and 8.2 by deleting Section 8.2.4. (City Council meeting of March 22, 1976)	March 22, 1976
Meeting time was amended. (Ord. No. 7647 & repeals Ord. No. 4770)	October 20, 1977
Amended Rules 5.2, 5.4, 5.6, 6.10 and Sections 8.2.3; and 8.2.4. (M&C 4379)	November 29, 1979
Amended Rules 3.1, 3.5, 3.6. and 5.3; and Section 5.4.4. (Res. No. 745)	November 18, 1980 (Effective November 25, 1980)
Amended Rules 3.1; 3.5; and Section 5.4.4. (M&C 6576 Revised & Ord. No. 9574)	February 25, 1986
Revised Rules 3.2; 5.4; and Section 5.4.3; added Rule 5.7; revised Rules 6.2; 6.3; 6.4; 6.15; Sections 8.1.1; 8.1.2; 8.1.4; 8.1.5; 8.1.6; 8.2.2; 8.2.3; 8.2.4 and 8.2.5. (M&C G-6978)	March 4, 1987

City of Fort Worth, Texas
City Council
Rules of Procedures

Amended Rule 2.6; deleted Rule 3.3 and renumbered Rules 3.4 through 3.6; amended Rule 4.3; Section 8.1.3; and deleted Section 8.1.4 (OCS-277) May 7, 1991

Amended Rule 4.3 and Section 5.4.2.
(Council Proposal 168 *presented for consideration.*) November 19, 1991

Amended Rule 4.3 and Section 5.4.2. (Council Proposal 168 *adopted.*) December 3, 1991

Amended Rules 3.1 and 3.4.
(Council Proposal 197 *presented for consideration*) October 22, 1996

Amended Rules 3.1 and 3.4
(Council Proposal 197 (revised) *adopted.*) Effective January 1997

Amended Rules 3.3, 5.2, 5.6, and 5.7 to conform to state law, Rules 3.4, 3.5, and 5.3 to conform to current procedures, and added new Sections 5.2.1, 5.2.2 and Rule 7.3 (Resolution No. 2696) January 9, 2001

Amended Rule 3.5, Sections 5.2.1, Section 5.4.4, Rules 6.10, 7.1, and added Rule 7.2.
(Resolution No. 3242-08-2005) August 16, 2005

Amended Rule 7.1 (Resolution No. 3619-05-2008) May 27, 2008

Amended Rule 7.1 (Resolution No. 3674-11-2008) November 11, 2008

Amended Rule 7.5 (Resolution No. 3775-08-2009) August 11, 2009

Marty Hendrix, City Secretary

A Resolution

NO. _____

APPOINTING A NEW MEMBER TO THE FORT WORTH TRANSPORTATION AUTHORITY EXECUTIVE COMMITTEE

WHEREAS, the Fort Worth Transportation Authority Executive Committee was initially appointed by the Fort Worth City Council in November 1983, following a public referendum, that established the Fort Worth Transportation Authority; and

WHEREAS, the Fort Worth Transportation Authority Executive Committee consists of nine members who serve one year terms; and

WHEREAS, eight members are appointed by the City Council and the ninth is appointed by the Tarrant County Commissioners Court.

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

That, in addition to the appointments made on January 4, 2011, the following individual is appointed to the Fort Worth Transportation Authority Executive Committee for a term of one year from October 1, 2010, to September 30, 2011.

<u>Council District</u>	<u>Name</u>	<u>Council Member</u>
9	Mike Brennan	Joel Burns

Adopted this 1st day of **March** 2011.

ATTEST:

By: _____

Marty Hendrix, City Secretary



A Resolution

NO. _____

A RESOLUTION OF THE CITY OF FORT WORTH, TEXAS CONDUCTING A PUBLIC HEARING AND DESIGNATING A CERTAIN OFFICIAL AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE CITY OF FORT WORTH IN DEALING WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM; CERTIFYING THAT THE CITY OF FORT WORTH IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE CITY OF FORT WORTH'S MATCHING SHARE IS READILY AVAILABLE; DEDICATING THE PROPOSED SITE FOR PERMANENT PUBLIC PARK AND RECREATIONAL USES; AND CERTIFYING THAT THE GRANT APPLICATION SHALL BE SUBMITTED TO THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE TEXAS REVIEW AND COMMENT SYSTEM (TRACS) REVIEW.

WHEREAS, the City of Fort Worth is fully eligible to receive assistance under the Local Park Grant Program; and

WHEREAS, the City of Fort Worth is desirous of authorizing an official to represent and act on its behalf in dealing with the Texas Parks & Wildlife Department concerning the Local Park Grant Program; and

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

SECTION 1: That the City of Fort Worth hereby certifies that it is eligible to receive assistance under the Local Park Grant Program, and that notice of the grant application has been posted according to local public hearing requirements; and

SECTION 2: That the City of Fort Worth hereby certifies that the matching share for this grant application is readily available at this time; and

SECTION 3: That the City of Fort Worth, following a public hearing, hereby authorizes and directs its Parks and Community Services Department Director to act for the City of Fort Worth in dealing with the Texas Parks & Wildlife Department for the purposes of the Local Park Grant Program, and that Susan Alanis, Assistant City Manager, is hereby officially designated as the representative in this regard; and

SECTION 4: The City of Fort Worth, following a public hearing, hereby specifically authorizes Susan Alanis, Assistant City Manager, to make application to the Texas Parks & Wildlife Department concerning the proposed site to be known as the "Northwest Community Park" in the City of Fort Worth, Tarrant County for use as a future park site and will be dedicated upon completion of the proposed acquisition for



public park and recreation purposes in perpetuity; and

RESOLUTION NO. _____

SECTION 5: That the City of Fort Worth hereby certifies that a copy of the grant application shall be submitted to the North Central Texas Council of Governments for Texas Review and Comments System (TRACS) consideration.

RESOLVED THIS 1ST DAY OF MARCH, 2011.

Mayor
City of Fort Worth

ATTEST:

By: _____
Marty Hendrix, City Secretary



No Documents for this Section

City of Fort Worth, Texas
Mayor and Council Communication

DATE: Tuesday, March 1, 2011

LOG NAME:

REFERENCE NO.: **OCS-1803

SUBJECT:

Notices of Claims for Alleged Damages and/or Injuries

RECOMMENDATION:

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

DISCUSSION:

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

The attached list is a summary of the notices of claims against the City of Fort Worth received in the City Secretary's Office as of 5:00 p.m., Wednesday, February 23, 2011.

Attachment

Submitted for City Secretary's Office by:

Marty Hendrix (6152)

Originating Department Head:

Marty Hendrix (6152)

Additional Information Contact:

Lena Ellis (8517)
Nancy McKenzie (7744)

CITY COUNCIL MEETING

Tuesday, March 01, 2011

RISK MANAGEMENT CLAIMS REPORT

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

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Rosa Castro as Next Friend	2/16/2011	11/28/2010	4400 Miller Avenue	Auto Damage	Collision with City vehicle	Fire	No	Yes
Lorenzo Munoz	2/17/2011	2/14/2011	8500 Charleston	Property Damage	Fence damaged during clean-up installation.	Water	No	No
R. D. Prince	2/17/2011	2/17/2011	Hwy 121 & Haltom Rd	Property Damage	Rock from City truck struck windshield.	Water	No	No

City of Fort Worth, Texas
Mayor and Council Communication

DATE: Tuesday, March 1, 2011

LOG NAME:

REFERENCE NO.: **OCS-1804

SUBJECT:

Liability Bonds Approval

RECOMMENDATION:

It is recommended that the City Council authorize the acceptance of these liability bonds, as follows:

PARKWAY CONTRACTOR

Ruben Garcia
Potters Contractors Inc.
R.J. Carroll Company
AGC Concrete LLC
Lone Star Banners and Flags

INSURANCE COMPANY

American States Insurance Company
RLI Insurance Company
Western Surety Company
RLI Insurance Company
State Farm Fire and Casualty

Submitted for City Secretary's Office by:

Marty Hendrix (6152)

Originating Department Head:

Marty Hendrix (6152)

Additional Information Contact:

Marty Hendrix (6152)

No Documents for this Section

CITY OF FORT WORTH, TEXAS



**CITY COUNCIL
ZONING HEARING
March 1st, 2011**

CITY COUNCIL ALTERNATIVES FOLLOWING RECEIPT OF RECOMMENDATIONS BY THE ZONING COMMISSION

A. LESS THAN TWENTY (20) PERCENT PROTEST:

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

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

B. TWENTY (20) PERCENT OR MORE PROTEST:

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

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

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



Case Number ZC-10-183 A-D

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 01, 2011

Council District All

Zoning Commission Recommendation:

Approved by a vote of 8-0

Opposition: None

Continued	Yes <u>X</u>	No <u> </u>
Case Manager	<u>Jocelyn Murphy</u>	
Surplus	Yes <u> </u>	No <u>X</u>
Council Initiated	Yes <u> </u>	No <u>X</u>

Owner / Applicant: City of Fort Worth Planning and Development Department

Site Location: Citywide Mapsco: N/A

Proposed Use: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth, to amend;

- A. Article 9 "Residential Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.902, "Low Intensity Mixed-Use" (MU-1) District and establish Development Standards for the district; amending Chapter 9 to add definitions related to Low Intensity Mixed-Use District(MU1);
- B. Article 9 "Residential Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.903, "Low Intensity Greenfield Mixed-Use" (MU-1G) District and establish Development Standards for the District; Amending Chapter 9 to add definitions related to Low Intensity Greenfield Mixed-Use District (MU1-G);
- C. Article 10 "Industrial Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.1001, "High Intensity Mixed-Use" (MU-2) District and establish Development Standards for the District (MU2);
- D. Article 10 "Industrial Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.1002, "High Intensity Greenfield Mixed-Use" (MU-2G) District and establish Development Standards for the District (MU2-G);

Request: TEXT AMENDMENT: MIXED USE DISTRICTS

This case was continued from the December 7, 2010 meeting to provide time for additional review and input from neighborhood groups. A meeting was held with the League of Neighborhoods on January 20 where concerns were expressed from various neighborhood organizations about the proposed MU text amendments, particularly MU-1. As such, staff would prefer to again delay the case to March 1 in order to reconvene the MU Zoning Advisory Group at an evening meeting when additional neighborhood and development representatives can attend.

The process to develop a mixed-use zoning ordinance has been guided by the Mixed-Use Zoning Advisory Group (MUZAG), which was composed of Zoning and City Plan commissioners, neighborhood association representatives, architects and developers. The group was reconvened in 2009 to work with City staff to strengthen the current ordinance, clarify language that could be misinterpreted, and address sustainable urbanism and transit-oriented development projects.

With the assistance of MUZAG Staff proposed several amendments intended to strengthen the current ordinance, clarify language that may be misinterpreted; and address sustainable urbanism and transit-oriented development projects.

- Add minimum a height requirement
- Establish a height bonus for structured parking
- Eliminate a maximum residential density
- Establish enhanced landscaping requirements to replace open space requirements
- Strengthen landscaping requirements in parking and driveway areas
- Modify fenestration requirements
- Add street frontage requirements
- Allow project identifier and wayfinding signs
- Exempt MU projects from all Unified Residential Development standards
- Clarify language pertaining to location of surface parking
- Apply term “campus development” to only religious institutions, schools, and hospitals
- Establish that when public access easements are used on private drives that MU design standards, setbacks, screening standards are applicable
- Add a minimum density requirement and reduce maximum parking requirements within one-quarter mile of existing or approved rail stations or stops
- Determine that variances to façade standards are reviewed by the Urban Design Commission

Attachments:

- Proposed Ordinance Amendments
- Minutes of the February 1, 2011 Council meeting
- Minutes of the November 10, 2010 Zoning Commission meeting

ORDINANCE NO. _____

ZC-10-183A

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 9 "RESIDENTIAL DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO AMEND A MIXED-USE ZONING DISTRICT, SECTION 4.902, "LOW INTENSITY MIXED-USE" (MU-1) DISTRICT AND ESTABLISH DEVELOPMENT STANDARDS FOR THE DISTRICT; AMENDING CHAPTER 9 TO ADD DEFINITIONS RELATED TO LOW INTENSITY MIXED-USE DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS the Comprehensive Plan designates mixed-use growth centers to encourage the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers; and

WHEREAS the zoning ordinance contains certain property development regulations that impede the development of mixed-use neighborhoods and commercial centers as envisioned in the Comprehensive Plan; and

WHEREAS the zoning ordinance prohibits residential development within commercial and industrial districts other than the Central Business District; and

WHEREAS mixed-use zoning may help advance revitalization initiatives in areas outside of the designated mixed-use growth centers; and

WHEREAS the creation of walkable, mixed-use districts should assist the City in addressing air quality and congestion problems; and

WHEREAS there is growing market demand for new residential and commercial development within compact, mixed-use districts; and

WHEREAS mixed-use development standards, together with the proactive use of historic preservation regulations contained in Chapter 4, Article 5 of the zoning ordinance, will promote the preservation and adaptive reuse of historic buildings; and

WHEREAS mixed-use zoning is intended to work in conjunction with district-specific redevelopment plans and urban design guidelines or standards to ensure high quality development that is consistent with the character of the district; and

WHEREAS mixed-use zoning is intended to work in conjunction with the proactive development of urban parks and plazas; and an open space development program, separate from the mixed-use zoning regulations, could help ensure the creation of public spaces in mixed-use districts; and

WHEREAS mixed-use zoning is intended to work in conjunction with redevelopment incentive programs such as the Neighborhood Empowerment Zones authorized by Chapter 378 of the Texas Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Article 9 “Non-Residential Districts”, Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to reorganize and amend Section 4.902, “Low Intensity Mixed-Use (“MU-1”)” to read as follows:

4.902 Low Intensity Mixed-Use (MU-1) District

A. Purpose and Intent.

1. **Purpose.** It is the purpose and intent of the Low Intensity Mixed-Use (“MU-1”) District to provide areas in which a variety of housing types exist among neighborhood-serving commercial and institutional uses.

2. Intent Statements

a. General Development Principles

1. Promote a pedestrian-oriented urban form. In contrast to conventional zoning standards that place a primary emphasis on the regulation of land uses, mixed-use development standards and guidelines focus on promoting a walkable, urban form of development, consistent with the surrounding area's historic urban character. The focus on form promotes buildings that conform to tested urban design principles.

2. Require excellence in the design of the public realm and of buildings that front public spaces. The most successful and memorable urban environments are those in which walking down the street is appealing. Streets, plazas, parks, and other public spaces should be comfortable and inviting, and buildings fronting those spaces should be active and visually interesting at the pedestrian level.

3. Encourage creativity, architectural diversity, and exceptional design.

Mixed-use is intended to promote high quality design, and the development review process for mixed-use projects is intended to promote flexibility. Standards and guidelines, as well as the development review process, are intended to support creativity and exceptional design while discouraging uniformity.

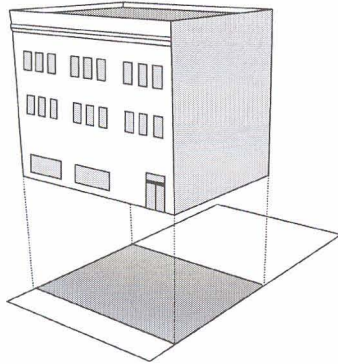
4. Promote sustainable development that minimizes negative impacts on natural resources. Creating a walkable, higher density residential district surrounding mixed-use districts supports sustainable development by providing an alternative to low-density development in peripheral areas. In accordance with sustainable development principles, the mixed-use buildings and public spaces should be designed to minimize negative impacts on air and water quality and promote innovation in environmental design.

b. Building Types Permitted

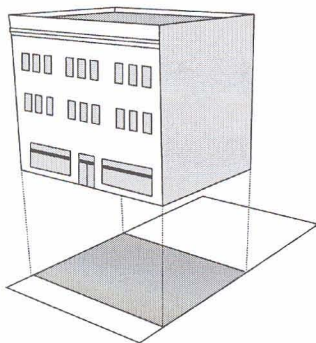
The following building intent statements and illustrations have been provided to demonstrate the recommended building forms in the Low Intensity Mixed-Use ("MU-1") District. All intent statements are addressed through development standards set out in Section 4.902 C through G.

1. General Commercial: A development type with nonresidential uses. Ground-story spaces are flexible enough to accommodate a variety of nonresidential uses. Upper stories are used for offices or other types of com-

patible nonresidential uses. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. No on-site surface parking is permitted between the building and the street. Primary entrances are prominent and street-facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground-story space.

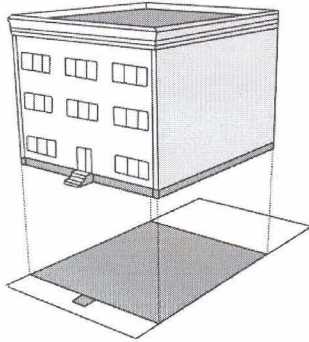


2. Mixed-Use Shopfront: A development type with ground-story retail and upper-story residential or offices uses. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. No on-site surface parking is permitted between the building and the street. Primary entrances are prominent and street-facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground-story space.

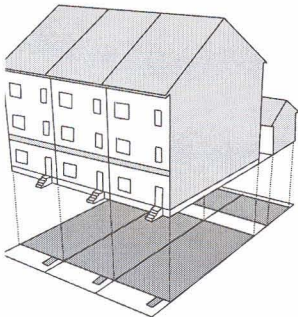


3. Apartment/ Condominium: The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. The building often shares a common entrance. Primary entrances are prominent and street-facing. An elevated

ground floor for residential uses is recommended to ensure privacy. Parking for an apartment/condominium building is allowed on the side or rear of the building, but the preferred method is at the rear of the building.

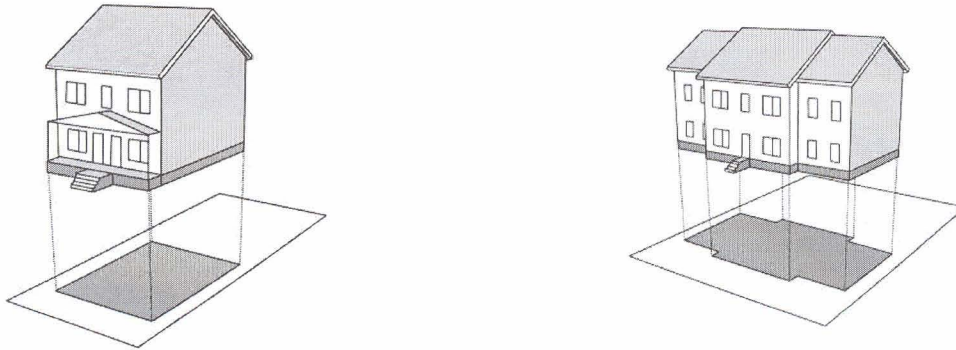


4. Townhouse: A building with three or more attached dwelling units consolidated into a single structure. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. A townhouse unit is more than one story in height; however, units should not be vertically mixed. Each unit has its own external entrance. Parking access via a driveway or rear alley is required. An elevated ground floor for residential uses is recommended to ensure privacy.

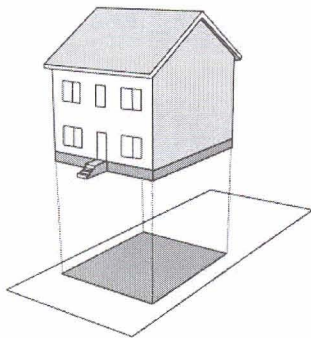


5. Urban Manor House: A development/building with two to five attached dwelling units consolidated in a single structure. A manor house is located on a single lot and contains common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. The building has the appearance of a conventional single-family house with a single primary entrance except that a manor house with two dwelling units (duplex) may have one primary entrance for each unit provided it meets the requirements of 4.902 D.8.f.iv. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for a manor house is allowed on the side or rear of the building, but the

preferred method is through traditional forms with detached garages at the rear when possible.



6. Single-Family House: The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for a single family home is allowed on the side or rear of the building, but the preferred method is through traditional forms with detached garages at the rear when possible.



B. Uses

In the Low Intensity Mixed-Use (“MU-1”) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, nor shall a Certificate of Occupancy be issued, except in accordance with the use table in Chapter 4, Article 8, and the supplemental standards of Chapter 5. In the Low Intensity Mixed-Use (“MU-1”) District, residential, commercial and institutional uses may occupy the same building and lot. All projects must comply with the mix of use requirements described in Section 4.902. ~~E~~H.1.

C. Property Development Standards

In the Low Intensity Mixed-Use (“MU-1”) District, the dimension of yards, the placement of the building, the minimum and maximum height of buildings, the minimum and maximum residential density, and the enhanced landscaping required open space shall be as follows:

1. **General yard development standards:** Development shall be exempt from Chapter 6, Article 1, Sections 6.101B, 6.101C, 6.101E, and 6.101G.
2. **Required street frontage:** The intent of requiring building street frontage is to encourage a more prominent and continuous street wall to promote a multi-modal, pedestrian friendly environment while reducing the visual dominance of large surface parking lots.
 - a. Primary Street: building facades shall be located within the area between the property line and the maximum setback for a minimum of 50 percent of the primary street frontage of the parcel.
 - b. Side Street: applies only to corner lots; building facades shall be located within the area between the property line and the maximum setback for a minimum of 30 percent of the side street frontage of the parcel.
 - c. Required street frontage shall apply only to the ground floor of the building.
 - d. Required street frontage alternatives: These alternatives may count towards a portion of the required street frontage for the building, when meeting the following standards;
 - i. Arcades: 100%
 - ii. Residential garden court: 40%
 - iii. Outdoor seating: 40%
 - iv. Plaza: 40%
3. **Front yard:** 20 feet maximum setback, with the following provisions:
 - a. Campus developments: Interior buildings constructed as part of a campus development may be set back from the property line more than 20 feet if at least 50 percent of the public street frontage on each block face within the development contains buildings within the maximum setback of 20 feet. Interior buildings set back farther than 20 feet may not be constructed unless and until this 50 percent requirement has been satisfied.
 - b. Buildings may exceed the maximum 20-foot setback if angled, perpendicular, or parallel parking on private property meets the conditions of Section 4.902.D.4.e. 1.f. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line, and the setback shall be no greater than 20 feet.
 - c. Buildings on corner lots are required to meet the front yard maximum setback on primary and side streets.

Note: A campus development is defined as a unified group of buildings and/or facilities located on a contiguous parcel(s) and operated as a place of worship, school, or hospital.

4. **Rear yard:** 5 feet minimum setback.
5. **Side yard:** Setbacks are required when an abutting property with an existing building has windows facing to the side. Then, any new development or addition shall provide at least 10 feet of separation between the existing and new building.

Note: Additional setback conditions are included in ~~D~~ Section 4.902.G Other Development Standards.

6. **Minimum Height:** 18 feet

Note: Development in the Low Intensity Mixed-Use ("MU-1") District is exempt from Section 6.100. Minimum building height for all uses shall be measured from the top of the finished slab to top of the highest wall facade. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in Section 6.100.5.

7. **Maximum Height:**

- a. 45 feet, or 3 stories, whichever is less; or
- b. 60 feet or 5 stories, whichever is less, if:
 - i. Residential uses constitute 20 percent or more of a building's gross floor area, and
 - ii. Office, eating and entertainment, and/or retail sales and service use constitute 10 percent or more of the building's gross floor area.
 - iii. Residential projects utilize structured parking that is completely obstructed from view from the Primary Street and the requirements for Parking Structure Facades in Section 4.902.F.7.

Note: Development in the Low Intensity Mixed-Use ("MU-1") District is exempt from Section 6.100. Maximum building height for all uses shall be measured from the top of the finished slab at grade level to the top of the highest wall top plate. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in Section 6.100.5. Stealth Telecommunication Towers are permitted to a height of 75 feet. The Urban Design Commission must approve the design of all Stealth Telecommunication Towers. Telecommunication

Towers are permitted to a height of 60 feet as a Special Exception approved by the Board of Adjustment.

8. Minimum residential units per acre: None; except when a residential or mixed use project is located within 1,320 feet of an entrance to an existing or approved passenger rail station or stop: 20
9. Maximum residential units per acre: None 40; or ~~60~~ if the project includes office, eating and entertainment, and/or retail sales and service uses that constitute at least 10 percent of gross floor area.
10. Open space: Open space shall constitute at least: 20 percent of net land area for single-use residential developments and mixed-use projects in which residential uses constitute greater than 90 percent of gross floor area; or ~~10 percent of net land area for commercial and institutional uses, and for mixed-use projects which include office, eating and entertainment, and/or retail sales and service uses that constitute 10 percent or more of gross floor area.~~
 Note: Also see conditions for required landscape areas and bufferyards in Chapter 6, Article 3, and D. Other Development Standards below.—

D. Off-Street Parking and Loading.

1. Commercial and Mixed-Use Parking Table:

<u>Location</u>		<u>Requirement as a percentage of parking requirement listed in Section 6.201B</u>	
		<u>Minimum</u>	<u>Maximum</u>
<u>Project not located within 250 feet of One or Two Family zoned property;</u>		<u>None</u>	<u>100 percent</u>
	<u>and within 1,320 feet of an entrance to an existing or approved passenger rail station or stop</u>	<u>None</u>	<u>75 percent</u>
<u>Project located within 250 feet of One or Two Family zoned property;</u>		<u>75 percent</u>	<u>100 percent</u>
	<u>and within 1,320 feet of an entrance to an existing or approved passenger rail station or stop</u>	<u>50 percent</u>	<u>75 percent</u>

2. Residential Parking Table:

<u>Building Type/Use</u>	<u>Requirement</u>
<u>Single Family</u>	<u>2 parking spaces located behind the front of the</u>

	<u>building line per dwelling unit.</u>
<u>Townhouse</u>	<u>2 parking spaces per dwelling unit are required at the rear of the primary structure and accessed via a driveway or rear alley.</u>
<u>Manor house (duplex)</u>	<u>2 spaces per dwelling unit</u> <u>plus 1 space per bedroom over three (3) bedrooms per dwelling unit</u> <u>all located behind the front building line</u>
<u>Manor house (apartment) and Apartment/Condominium</u> <u>On-street parking along the lot frontage may be applied toward the minimum parking requirements, but shall not reduce the applicable maximum parking limitations.</u>	<u>0.75 to 1 off-street spaces required per bedroom, located behind the front building line*</u> <u>Plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage)</u> <u>If the development is within 1,320 feet of a rail transit station</u> <u>0.5 to 1 off-street spaces required per bedroom, located behind the front building line*</u> <u>Plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage)</u> <u>*All partial spaces are rounded up.</u>

1. Off-Street Parking and Loading

- a. ~~Commercial uses that are located beyond two hundred fifty feet (250') of One or Two Family zoned property, excluding other MU districts, do not require parking.~~
- b. ~~Townhouses require a minimum of one off street parking space per dwelling unit, with a maximum of two off street parking spaces per unit. For uses other than townhouses in the Low Intensity Mixed Use ("MU-1") District, that fall within 500' of residentially zoned property, excluding other MU districts, the parking requirements listed in Section 6.201B shall be reduced by the following proportions:~~
 - i. ~~25 percent reduction for all uses in buildings not within 1,000 feet of an entrance to a passenger rail station, with the maximum number of parking spaces limited to 100 percent of the minimum requirement listed in Section 6.201B; or,~~

- ~~ii. 50 percent reduction for all uses in buildings whose primary entrance is within 1,000 feet of an entrance to a passenger rail station or rail stop, with the maximum number of parking spaces limited to 100 percent of the minimum requirement listed in Section 6.201B.~~
- ~~e. For mixed-use buildings and projects within 500' of residentially zoned property, excluding other MU districts, the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section e below, would allow a reduction in the total requirement for a mixed-use building or project.~~

3. Bicycle Parking: See Section 6.204

4. Other Off-Street Parking and Loading Standards

- a. The required off-street parking for any use may be located off-site, on property within 500 feet of the subject site.
- b. Adjacent on-street parking may be applied toward the minimum parking requirements, but shall not reduce the pertinent maximum parking limitations.
- c. For mixed-use buildings and projects the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section d below, would allow a reduction in the total requirement for a mixed-use building or project.
- d. Joint use parking facilities may be used to meet minimum parking requirements. The total number of spaces shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility. ~~This limit shall not apply to a multilevel parking garage that is used as a joint use facility.~~ Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning and Development Department as part of a building permit application or site plan review:
 - i. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - ii. The location and number of parking spaces that are being shared;
 - iii. An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required

spaces for each use during its respective peak parking times; and,

- iv. A legal instrument such as an easement or deed restriction that guarantees access to the joint parking for all uses.
- e. Surface parking shall not be permitted between a building front and the street, except that angled, perpendicular, or parallel parking that is designed to function ~~that is partially or completely located on private property~~ as on-street parking shall be permitted if it meets the following ~~three~~ two conditions:
 - i. The City's Traffic Engineer determines that the parking does not adversely affect public safety or circulation and satisfies the conditions described in Section 22-175d of the City Code, and
 - ii. Each parking space ~~The parking~~ is located adjacent to and is directly accessible from a public street or publically accessible private street, and
 - iii. Surface parking permitted between a building front and the street (on-street parking) and the required pedestrian walkway shall be either dedicated as public right-of-way or be included in a public access easement recorded in the real property records of the county. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line and the setback shall be no greater than 20 feet.
- f. Uses located in historically significant buildings shall be exempt from off-street parking requirements. For the purposes of this exemption, historically significant buildings shall include those determined by the Historic Preservation Officer to be eligible, based on the applicable criteria, for:
 - i. Listing in the National Register of Historic Places; or
 - ii. Local designation as either Historic and Cultural Landmark ("HC") or Highly Significant Endangered ("HSE").
- g. These requirements supersede the parking requirements of Section 6.201B. All other requirements of Chapter 6, Article 2 apply.

E. Landscaping and Buffers. The requirements of Chapter 6, Article 3 apply, with the following provisions.

1. Bufferyard and Supplemental Building Setback.

- a. For the purposes of this section, the Low Intensity Mixed-Use ("MU-1") District shall be considered a nonresidential district.
- b. A bufferyard and supplemental building setback are not required between the boundary of a one- or two-family development within the Low Intensity Mixed-Use ("MU-1") District and an adjacent one- or two-family district.

- c. All uses, other than one- or two-family adjacent to one- and two-family districts, shall conform to the supplemental building setback and bufferyard width standards required for the Neighborhood Commercial (“E”) District, as described in Section 6.300C. Area Requirements. In addition, a transitional height plane of 45 degrees shall apply to portions of a building above 45 feet or 3 stories, whichever is less. Any portion of a building above 45 feet or 3 stories, whichever is less, shall be set back so that the building does not encroach the transitional height plane; i.e., the portion of a building above 45 feet or 3 stories must be set back an additional foot for each additional foot in height. This standard is illustrated in Figure 4.1 below. These supplemental building setback and transitional height plane requirements shall not apply to buildings adjacent to one- or two-family districts that serve as public open space, such as parks and drainage ways.

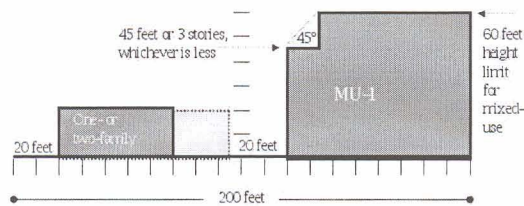


Figure 4.1 MU-1 Supplemental Building Setback and Transitional Height Plane

Figure 4.1 MU-1 Supplemental Building Setback and Transitional Height Plane (Popup full image)

2. **Enhanced Landscaping Point System Requirements.** Enhanced landscaping must earn a minimum of 30 points (20 points in single-family house and urban manor houses with two (2) units) that are awarded for providing and maintaining specific landscaping and design features. The points are accumulated as follows:

Enhanced Landscaping Point System – 30 points required (20 points in single-family houses and urban manor houses with two (2) units)		
<u>Feature</u>	<u>Requirement or example items</u>	<u>Points Awarded</u>
<u>Plaza</u>	<u>5% of net land area. Plaza shall be continuous w/ minimum area not less than 1,000 sq ft. If 5% of net land area is greater than 2,000 square feet, multiple plazas are permitted.</u>	<u>15</u>
<u>Playground</u>	<u>5% of net land area w/ minimum area not less than 1000 sq ft</u>	<u>15</u>
<u>Community garden</u>	<u>1 pt for every 250 sq ft w/ minimum area not less than 1250 sq ft</u>	<u>5-15</u>

<u>Arcades, structural awnings, galleries, balconies or other approved pedestrian shelter</u>	<u>50% of façade facing primary street or 25 linear ft, whichever is greater. 4 ft minimum depth.</u>	<u>10</u>
<u>Single family front porch</u>	<u>50% of façade facing primary street</u>	<u>10</u>
<u>Enhanced streetscaping</u>	<u>Each 50 ft segment of street frontage is required to have 2 streetscaping items. Items include but are not limited to benches, trash receptacles, bike racks, and planters using materials appropriate for the adjacent street and approved by the Transportation and Public Works Department.</u>	<u>10</u>
<u>Pedestrian-scaled lighting</u>	<u>1 light post every 60 ft of street frontage; style approved by the Transportation and Pubic Works Department and consistent with other pedestrian lights on the same block.</u>	<u>10</u>
<u>Programmed recreation area</u>	<u>3% of net land area. Programmed recreation areas include but are not limited to chess parks, bocce ball courts, and exercise/yoga facilities</u>	<u>10</u>
<u>Public art installation</u>	<u>As approved by the Planning and Development Director or designee. Public art installations include but are not limited to pieces of sculpture, murals, and water features planned and executed with the specific intention of being sited or staged in the physical public domain, outside and accessible to all. Materials used are durable and resistant to graffiti and weather.</u>	<u>10</u>
<u>Street trees</u>	<u>Required spacing:</u> <ul style="list-style-type: none"> <u>Small/Medium Canopy 25 – 30 ft</u> <u>Large Canopy 35 – 40 ft</u> 	<u>10</u>
<u>Window awnings, shallow door canopies, or other façade features that are not intended to provide pedestrian shelter (less than 4 ft in depth)</u>	<u>25% of façade facing primary street or 15 linear ft, whichever is greater. Multiple features (i.e. awnings) may add up to the required amount.</u>	<u>5</u>
<u>Programmed sitting area/public outdoor dining area</u>	<u>Minimum 15 seats</u>	<u>5</u>
<u>Proximity to a public park</u>	<u>Within 500 ft</u>	<u>5</u>

<u>Sustainable landscaping</u>	<u>Xeriscaping, on-site stormwater management, rain gardens, bio-swales, etc.</u>	<u>5</u>
<u>Rooftop terrace</u>	<u>Minimum 200 sq ft</u>	<u>5</u>
<u>Paved walkway enhancement</u>	<u>1 pt for every additional foot of sidewalk width over the City standard (up to a 15 ft wide sidewalk total)</u>	<u>1-11</u>

- a. Points shall be awarded only once for each feature category, per project.
- b. Submittal of Landscape Plan. The location and description of decorative paving, sidewalk furniture or other decorative elements, if any, shall be indicated on the landscape plan.
- c. Landscape area required. When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level encroachments. This front yard landscaping must adhere to the tree and shrub planting requirements of Section 6.301H as well as other applicable landscaping requirements described or referenced within the MU-1 regulations. Street trees planted in the parkway abutting the property may be credited towards the tree planting requirements described in Section 6.301H if the property owner assumes responsibility for their maintenance through formal agreement with the Parks and Community Services Department. This credit is applicable to properties with or without required front yard landscaping. Multifamily and mixed-use developments shall conform to the requirements of commercial and institutional uses in Section 6.301H. Section 6.301.H "Landscape Area Required" does not apply to developments in the MU-1 district; except
 - i. All landscaped areas shall be located outside the perimeter of the footprint of a building or structure; protected by wheel stops, curbs or other physical barriers where adjacent to vehicle use areas; and be covered with grass, organic mulch or low maintenance groundcover. (Section 6.301.H.1.b)
 - ii. Landscaped bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil. (Section 6.301.H.2.b)
 - iii. When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level patios, parkways and pedestrian walkways. Front yard landscaping must adhere to the shrub and native plants as listed in Table 6.8, Table A of Section 6.301.H. as well as other applicable regulations described or referenced within the MU-1 regulations.
- d. Irrigation. An irrigation system shall not be required if the landscape plan demonstrates that use of drought resistant plants does not require irrigation. Trees shall require an irrigation system, regardless of species, and the irrigation system may be provided entirely within the property boundary. An irrigation system shall be installed to provide total water coverage to all plant materials installed pursuant to Section 6.301.I "Irrigation".

- e. ~~Miscellaneous Requirements. Section 6.301J.3 and 6.301J.4 shall not apply.~~ In addition to required trees and shrubs, all of the required landscape area must be covered with grass, organic mulch, live groundcover, decorative paving, sidewalk furniture or other decorative elements.
- f. ~~Exemptions from Landscape Requirements. Section 6.301G.3 shall not apply. Construction and expansion of multifamily and mixed-use developments within the MU-1 districts are not subject to the Unified Residential Development provisions set forth in Section 6.506, except for 6.506H, but are subject to the landscape requirements described and/or referenced within the MU-1 regulations, which include provisions of the landscape ordinance.~~

3. Landscaping in Parking and Driveway Areas.

- a. Landscape islands, linear landscaping strips, bio swales, or rain gardens shall be required in parking lots with 12 or more parking spaces. All landscape islands and strips shall have at least one tree. Landscape islands shall be required in parking lots with 12 or more parking spaces. The total area of landscape islands shall equal at a minimum 5 square feet per parking space.
- b. Every parking space is required to be not more than 60 feet from a medium or large canopy tree planted within a median, strip or island measured from the trunk at planting.
- c. Required size of landscape islands and linear landscaping strips containing trees:
 - i. Within parking lots with non-porous surfaces: 130 square feet; 8 feet minimum width
 - ii. Planted in Structural Soil: 64 square feet; 8 feet minimum width. The use of an approved structural soil shall be limited to landscape islands and adjacent walkways and parking areas necessary for proper tree growth. Structural soils shall not be used for fire lanes in parking lots.
 - iii. Within parking lots with approved porous surfaces for parking areas excluding fire lanes: 16 square feet. Tree trunks should be protected by wheel stops or other physical barriers excluding curbs.
 - iv. Linear landscaping strips are encouraged in lieu of landscaping islands where possible.
- d. Parking lots shall be screened from the public right-of-way with landscaping, berms, fences or walls 36 to 42 inches in height.
- e. Driveways that are located adjacent and parallel to a public street shall be screened from the public right-of-way with landscaping, berms, fences, or walls 36 to 42 inches in height.

F. Facade Design Standards for New Construction. Projects that clearly conform to all façade design standards may be approved administratively by the Planning and Development Director or designee. A waiver from the façade design standards may be granted by the Urban Design Commission (UDC) in accordance with the applicable development principles and standards. ~~**Statement of Intent**—The following design standards are intended to encourage new buildings that complement neighborhood character, add visual interest, and support a pedestrian-oriented environment. The standards are not intended to encourage architectural uniformity or the imitation of older buildings.~~

1. **Required drawings.** To illustrate compliance with the following standards, elevation drawings shall be submitted to the Planning and Development Department for those building facades that are oriented to:
 - a. Public streets;
 - b. Private streets and walkways that are publicly accessible through a public use easement; or
 - c. Publicly accessible open space.
2. **Facade variation.**
 - a. **Scaling Elements:** Each new building facade oriented to a publicly accessible street or open space shall at a minimum incorporate three or more of the following four scaling elements for building facades greater than 50 feet in width, and at least two of the following scaling elements for building facades less than 50 feet in width:
 - i. Expression of building structural elements such as:
 - a) Floors (banding, belt courses, etc. not less than one inch deep and four inches wide),
 - b) Columns (pilasters, piers, quoins, etc. not less than four inches deep and six inches wide), or
 - c) Foundation (water tables, rustication);
 - ii. Variation in wall plane (not less than four inches) through the use of projecting and recessed elements. Such elements could include patterns of door and window openings (and the use of sills, mullions, and other scale providing window elements), and/or more pronounced architectural features, such as porches, alcoves, and roof dormers;
 - iii. Changes in material or material pattern. Each change of material shall involve a minimum one-inch variation in wall plane; and
 - iv. Noticeable changes in color or shade.
 - b. New buildings facades oriented to a publicly accessible street or open space shall include differentiation between the first or second level and the upper levels with a cornice, canopy, balcony, arcade, or other architectural feature.
 - c. If a project consists of more than one block face, each sequential block of new construction shall contain a different building facade to encourage

architectural variety within large projects, using the required architectural elements listed in Section a.i above and/or other architectural features.

- d. New multifamily residential building facades oriented to a publicly accessible street or open space shall include at least two variations in wall plane per 100 linear feet of street frontage. Variations shall be not less than three feet in depth or projection and not less than two stories in height for multi-story buildings.

3. **Fenestration:** ~~New commercial building facades fronting on publicly accessible streets or open space shall be not less than 40 percent or more than 90 percent clear glazing.~~ New single use commercial and mixed-use building facades fronting on publicly accessible streets or open space shall meet the following requirements:

<u>Fenestration Requirement</u>		
<u>Project Type</u>	<u>Primary Street</u>	<u>Side Street</u>
<u>Mixed-Use</u>		
<u>Ground Story from 2 feet to 12 feet above grade</u>	<u>60 percent</u>	<u>40 percent</u>
<u>Upper Stories</u>	<u>25 percent</u>	<u>25 percent</u>
<u>Commercial</u>		
<u>Ground Story from 2 feet to 12 feet above grade</u>	<u>60 percent</u>	<u>40 percent</u>
<u>Upper Stories</u>	<u>25 percent</u>	<u>25 percent</u>
<u>Residential</u>	<u>None</u>	<u>None</u>

- a. Clear glazing must have a visible transmittance rating of 0.5 or greater to count towards the fenestration requirement
- b. Fenestration alternatives: The following alternatives may count towards meeting the fenestration requirement and can be used in singular or in combination. If used in combination, they may count no more than 70 percent of the fenestration requirements:

<u>Fenestration Alternatives</u>	
<u>Alternative</u>	<u>Percent towards requirement</u>
<u>Windows at the ground story but outside the 2 – 12 feet zone</u>	<u>40 percent</u>
<u>Wall mounted or recessed display cases at least 4 feet high</u>	<u>40 percent</u>
<u>Walk-up automated teller machines, video rental or similar kiosk</u>	<u>40 percent</u>
<u>Green screen system, planter walls, or similar vegetation</u>	<u>40 percent</u>
<u>Translucent, fritted, patterned, or colored glazing</u>	<u>40 percent</u>
<u>Outdoor dining/seating located between the building and street</u>	<u>60 percent</u>

4. **Building materials.** Not less than 70 percent of all new building facades (not including door and window areas) facing publicly accessible streets or open space shall be constructed of the following masonry materials: stone, brick, terra cotta, patterned pre-cast concrete, cement plaster stucco, cement board siding, cast stone or prefabricated brick panels.
5. **Building entries.**
 - b. Building entrances shall incorporate arcades, roofs, porches, alcoves or awnings that protect pedestrians from the sun and rain.
 - c. Primary entrances shall be provided at intervals not to exceed 125 linear feet of street-oriented residential building frontage.
 - d. Townhouses and other similar street level dwelling units within multi-unit structures shall have individual street-oriented entries for each unit.
 - e. Manor Houses shall have a single primary entrance provided however, that a Manor House with two dwelling units (duplex) may have one primary entrance for each unit. Each primary entrance must be provided under a shared porch or one of the entrances must be accessed from a side façade of the structure.
6. **Commercial and Mixed-Use Roof Design.** Roof slope shall not be greater than 1:12 on all single-story buildings. Sloped roof elements, including but not limited to mansard roofs, half - false roofs and towers are allowed.
7. **Parking Structure Façade Standards**
 - a. Buildings shall not have exposed structured parking at the ground floor level.
 - b. A parking structure facade that faces a public street shall be designed to incorporate contextual architectural elements that complement adjacent buildings or buildings in the area.
 - c. Parking structure openings shall not exceed 50 percent of the total ground floor façade.
- G. **Other Development Standards.** Development in the Low Intensity Mixed-Use (“MU-1”) District shall be subject to the pertinent development standards in Chapter 6, and the following provisions:
 1. **Signs.** See Chapter 6, Article 4 for requirements and the following provision:
 - a. In addition to signs allowed in Chapter 6, Article 4, one or more attached project identifier or wayfinding signs may be erected on each facade of the occupied space. The signs may have a total area of 10% of the area of the facade to which the signs are attached, with a maximum aggregate area of 500 square feet per facade. Doors and windows shall be included in the calculation of the facade area. The facade area shall be calculated by multiplying the width times the height, with a maximum calculated height of 15 feet. For structures exceeding 15 feet in height, allowable sign square footage shall be calculated as .75 square feet per linear foot of building facade.

2. **Residential Design Standards.** Multifamily developments are exempt from the requirements of Section 6.506. “Unified Residential Development”.
 - ~~b. For townhouses and other one and two family residential development, the “MU-1” property development standards of Section 4.902.C. shall apply, with the exception of maximum residential units per acre. For townhouses and other one and two family development, the maximum residential units shall be 24.~~
 - ~~c. Multifamily development and mixed-use projects are exempt from the requirements of Section 6.506 Unified Residential Development except 6.506H, which lists spacing requirements for projects consisting of multiple buildings. Section 6.506H shall apply to all multifamily development and to mixed-use projects in which the residential uses constitute greater than 90 percent of gross floor area.~~
 - ~~d. The following requirements are applicable to open space in multifamily development and mixed-use projects in which the residential uses constitute greater than 90 percent of gross floor area:~~
 - ~~i. Rooftop terraces and other common spaces may be included as part of the required open space.~~
 - ~~ii. No space or area less than 6 feet in any dimension shall be counted as open space.~~
3. **Outdoor Storage or Display.** Outdoor storage or display requirements for the Neighborhood Commercial (“E”) District shall apply to the Low Intensity Mixed-Use (“MU-1”) District.
4. **Entrances.** In order to create a pedestrian-oriented environment in which buildings are oriented toward publicly accessible streets and sidewalks, a principal building must have its main entrance from a public sidewalk or plaza, or from a private sidewalk or plaza that is publicly accessible through a public use easement. The main entrance shall not be from a parking lot. Secondary entrances from parking lots are permitted. Interior buildings constructed as part of a campus development are exempt from these requirements.
5. **Fences and Gates.** In order to promote pedestrian-oriented developments, exterior security fences and gates that are located along public streets, along private streets or walkways that are publicly accessible through a public use easement, or along publicly accessible open space shall not extend beyond building facades; i.e., these fences shall not be located in the area between building facades and the property line. Fences not exceeding 4 feet in height, however, may extend beyond the building façade of attached or detached single family house or townhouse developments in mixed-use zoning districts (see ‘5.305 Fences’ B.2. for fence development standards).
6. **Development Standards Applicable to Privately Owned Streets and Drives with Public Access Easements.** Private streets and drives with public

access easements shall be considered public streets or rights-of-way for the purposes of review for compliance with setbacks, parking, screening, façade variations, fenestration, and any other MU-1 design requirement normally based on streets.

H. Administrative Review Requirements

2. **Conceptual Land Use Plan.** Developers of projects equal to or larger than 3 acres in size shall submit a conceptual land use plan for approval by the Planning and Development Director. The conceptual land use plan must be approved before a building permit application is accepted by the Planning and Development Department. The Planning and Development Director may require a conceptual land use plan for a project smaller than 3 acres if the project is part of a development equal to or larger than 3 acres in size.

a. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:

- i. One- or two-family residential,
- ii. Multifamily residential,
- iii. Commercial,
- iv. Institutional,
- v. Mixed-use buildings (a mix of residential and non-residential within the same building, meeting the percentage requirements defined in Section 4.902.C.57.b), or
- vi. Public Park.

Parking facilities and private open spaces shall be classified the same as the primary land use they serve.

b. **Project Test** - The conceptual land use plan shall show that the proposed project includes uses within at least two of the land use categories, and that no land use category other than mixed-use buildings occupies greater than 70 percent of the total land area. The land use area percentages shall be calculated using property information obtained from the applicable tax appraisal district. If a development does not comply with this test, then the vicinity test described below shall apply.

c. **Vicinity Test** - Developments in which a single land use other than mixed-use buildings exceeds 70 percent of the site's total land area are permitted if:

- i. The Planning and Development Director determines that the following conditions are satisfied:
 - a) The proposed land use at any location within the proposed development site must be within a walking distance of 1,000 feet of a different land use, as measured by the shortest pedestrian route, and

- b) The percentage of any single land use category other than mixed-use buildings within a 1,000-foot radius of any location within the proposed development site shall not be greater than 70 percent of the land area within the radius. The proposed development shall be included in the calculation of this percentage. Or
- ii. The Planning and Development Director determines that the developer has demonstrated that unique site conditions (e.g. adjacency to natural features, highways, freight yards, etc.) make compliance with the conditions of section i. above impractical in certain areas of the development site.

3. Conceptual Site Plan. In order to facilitate compliance with the mixed-use zoning standards, developers shall submit a conceptual site plan to the Planning and Development Department for administrative review prior to submittal of permit applications for new construction projects. The site plan shall show the anticipated location of proposed streets, sidewalks and walkways, building footprints, parking areas, landscaped areas and features, and open space.

SECTION 2.

Section 9.101, "Defined Terms" of Chapter 9, "Definitions" of Ordinance Number 13896, the Zoning Ordinance of the City of Fort Worth, is amended to amend the definition of Townhouse to address a Townhouse in the Low Intensity Mixed-Use (MU-1), Low Intensity Mixed-Use Greenfield (MU-1G), High Intensity Mixed-Use (MU-2), and High Intensity Mixed-Use Greenfield (MU-2G) Districts and to add the following new definitions:

PRIMARY STREET: the principal frontage for a building site, as defined during site plan review by the Planning and Development Director or designee.

SIDE STREET: the frontage that is not a primary street, as defined during site plan review by the Planning and Development Director or designee.

TOWNHOUSE or ROWHOUSE: A one-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roof, and each dwelling being located on a separately platted lot. A Townhome in the Urban Residential, Low Intensity Mixed-Use, Low Intensity Mixed-Use Greenfield, High Intensity Mixed-Use and High Intensity Mixed-Use

Greenfield Districts shall be defined as a development containing three or more attached dwelling units consolidated into a single structure.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 8.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 9.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

ADOPTED: _____

EFFECTIVE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 9 "RESIDENTIAL DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO AMEND A MIXED-USE ZONING DISTRICT, SECTION 4.903, "LOW INTENSITY GREENFIELD MIXED-USE" (MU-1G) DISTRICT AND ESTABLISH DEVELOPMENT STANDARDS FOR THE DISTRICT; AMENDING CHAPTER 9 TO ADD DEFINITIONS RELATED TO LOW INTENSITY GREENFIELD MIXED-USE DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS the Comprehensive Plan designates mixed-use growth centers to encourage the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers; and

WHEREAS the zoning ordinance contains certain property development regulations that impede the development of mixed-use neighborhoods and commercial centers as envisioned in the Comprehensive Plan; and

WHEREAS the zoning ordinance prohibits residential development within commercial and industrial districts other than the Central Business District; and

WHEREAS mixed-use zoning may help advance revitalization initiatives in areas outside of the designated mixed-use growth centers; and

WHEREAS the creation of walkable, mixed-use districts should assist the City in addressing air quality and congestion problems; and

WHEREAS there is growing market demand for new residential and commercial development within compact, mixed-use districts; and

WHEREAS mixed-use development standards, together with the proactive use of historic preservation regulations contained in Chapter 4, Article 5 of the zoning ordinance, will promote the preservation and adaptive reuse of historic buildings; and

WHEREAS mixed-use zoning is intended to work in conjunction with district-specific redevelopment plans and urban design guidelines or standards to ensure high quality development that is consistent with the character of the district; and

WHEREAS mixed-use zoning is intended to work in conjunction with the proactive development of urban parks and plazas; and an open space development program, separate from the mixed-use zoning regulations, could help ensure the creation of public spaces in mixed-use districts; and

WHEREAS mixed-use zoning is intended to work in conjunction with redevelopment incentive programs such as the Neighborhood Empowerment Zones authorized by Chapter 378 of the Texas Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Article 9 “Non-Residential Districts”, Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to reorganize and amend Section 4.903, “Low Intensity Mixed-Use (“MU-1G”)” to read as follows:

4.903 Low Intensity Greenfield Mixed-Use ("MU-1G") District

A. Purpose and Intent

1. **Purpose.** The purpose of the MU-1G zoning classification is to promote pedestrian-oriented, mixed-use development in undeveloped areas designated in

the Comprehensive Plan as future mixed-use growth centers. The MU-1G regulations are intended to encourage the development of neighborhood-scale activity centers in which a variety of housing types may exist among neighborhood-serving commercial and institutional uses.

Minimum Development Site Land Area: MU-1G shall only be used for large-scale development sites of at least 100 acres. These development sites of at least 100 acres may include a combination of contiguous MU districts (i.e. MU-1, MU-1G, MU-2, MU-2G, PD/MU). Public rights of way may be included in the calculation of a site's size.

2. Intent Statements

a. General Development Principles

1. Promote a pedestrian-oriented urban form. In contrast to conventional zoning standards that place a primary emphasis on the regulation of land uses, mixed-use development standards and guidelines focus on promoting a walkable, urban form of development, consistent with the surrounding area's historic urban character. The focus on form promotes buildings that conform to tested urban design principles.

2. Require excellence in the design of the public realm and of buildings that front public spaces. The most successful and memorable urban environments are those in which walking down the street is appealing. Streets, plazas, parks, and other public spaces should be comfortable and inviting, and buildings fronting those spaces should be active and visually interesting at the pedestrian level.

3. Encourage creativity, architectural diversity, and exceptional design.

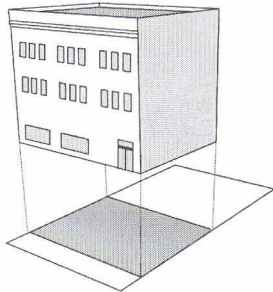
Mixed-use is intended to promote high quality design, and the development review process for mixed-use projects is intended to promote flexibility. Standards and guidelines, as well as the development review process, are intended to support creativity and exceptional design while discouraging uniformity.

4. Promote sustainable development that minimizes negative impacts on natural resources. Creating a walkable, higher density residential district surrounding mixed-use districts supports sustainable development by providing an alternative to low-density development in peripheral areas. In accordance with sustainable development principles, the mixed-use buildings and public spaces should be designed to minimize negative impacts on air and water quality and promote innovation in environmental design.

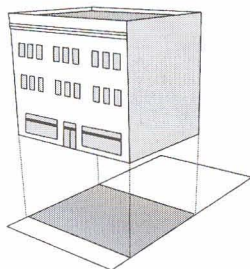
b. Building Types Permitted

The following building intent statements and illustrations have been provided to demonstrate the recommended building forms in the Low Intensity Mixed-Use (“MU-1G”) District. All intent statements are addressed through development standards set out in Section 4.903 C through G.

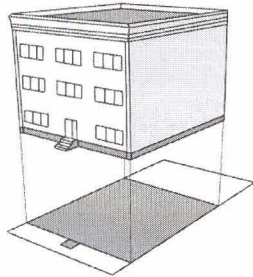
1. General Commercial: A development type with nonresidential uses. Ground-story spaces are flexible enough to accommodate a variety of nonresidential uses. Upper stories are used for offices or other types of compatible nonresidential uses. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. No on-site surface parking is permitted between the building and the street. Primary entrances are prominent and street-facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground-story space.



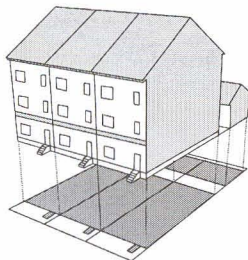
2. Mixed-Use Shopfront: A development type with ground-story retail and upper-story residential or offices uses. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. No on-site surface parking is permitted between the building and the street. Primary entrances are prominent and street-facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground-story space.



3. Apartment/ Condominium: The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. The building often shares a common entrance. Primary entrances are prominent and street-facing. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for an apartment/condominium building is allowed on the side or rear of the building, but the preferred method is at the rear of the building.

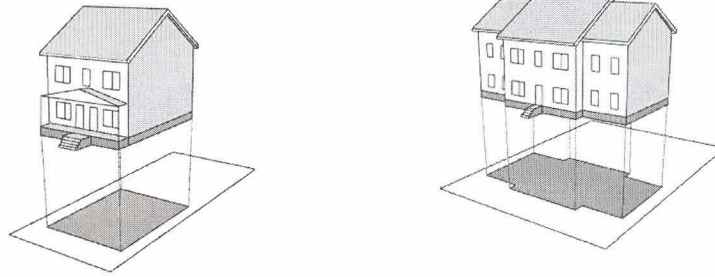


4. Townhouse: A building with three or more attached dwelling units consolidated into a single structure. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. A townhouse unit is more than one story in height; however, units should not be vertically mixed. Each unit has its own external entrance. Parking access via a driveway or rear alley is required. An elevated ground floor for residential uses is recommended to ensure privacy.

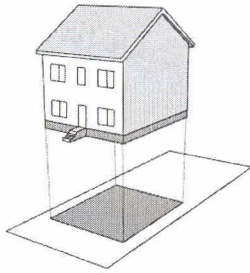


5. Urban Manor House: A development/building with two to five attached dwelling units consolidated in a single structure. A manor house is located on a single lot and contains common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. The building has the appearance of a conventional single-family house with a single primary entrance except that a manor house with two dwelling units (duplex) may have one primary entrance for each unit provided it meets the requirements of 4.902 D.8.f.iv. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for a manor house is allowed on the side or rear of the building, but the

preferred method is through traditional forms with detached garages at the rear when possible.



6. Single-Family House: The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for a single family home is allowed on the side or rear of the building, but the preferred method is through traditional forms with detached garages at the rear when possible.



B. Uses

In the Low Intensity Greenfield Mixed-Use (“MU-1G”) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, nor shall a Certificate of Occupancy be issued, except in accordance with the use table in Chapter 4, Article 8, and the supplemental standards of Chapter 5.

In the Low Intensity Greenfield Mixed-Use (“MU-1G”) District, residential, commercial and institutional uses may occupy the same building and lot. All projects must comply with the mix of use requirements described in Section 4.903.H.1.4.903.E.1.

One-family detached residential lots shall not exceed 10,000 square feet.

C. Property Development Standards

In the Low Intensity Greenfield Mixed-Use (“MU-1G”) District, the dimension of yards, the placement of the building, the minimum and maximum height of buildings, the minimum and maximum residential density, and the enhanced landscaping required open space shall be as follows:

1. **General yard development standards:** Development shall be exempt from Chapter 6, Article 1, Sections 6.101B, 6.101C, 6.101E, and 6.101G.

2. **Required street frontage:** The intent of requiring building street frontage is to encourage a more prominent and continuous street wall to promote a multi-modal, pedestrian friendly environment while reducing the visual dominance of large surface parking lots.
 - i. Primary Street: building facades shall be located within the area between the property line and the maximum setback for a minimum of 50 percent of the primary street frontage of the parcel.
 - ii. Side Street: applies only to corner lots; building facades shall be located within the area between the property line and the maximum setback for a minimum of 30 percent of the side street frontage of the parcel.
 - iii. Required street frontage shall apply only to the ground floor of the building.
 - iv. Required street frontage alternatives: These alternatives may count towards a portion of the required street frontage for the building, when meeting the following standards;
 - i. Arcades: 100%
 - ii. Residential garden court: 40%
 - iii. Outdoor seating: 40%
 - iv. Plaza: 40%
3. **Front yard:** 20 feet maximum setback, with the following provisions:
 - a. Campus developments: Interior buildings constructed as part of a campus development may be set back from the property line more than 20 feet if at least 50 percent of the public street frontage on each block face within the development contains buildings within the maximum setback of 20 feet. Interior buildings set back farther than 20 feet may not be constructed unless and until this 50 percent requirement has been satisfied.
 - b. Buildings may exceed the maximum 20-foot setback if angled, perpendicular, or parallel parking on private property meets the conditions of Section 4.903.D.4.e. 4-f. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line, and the setback shall be no greater than 20 feet.
 - c. Buildings on corner lots are required to meet the front yard maximum setback on primary and side streets.
 - d. To allow convenient access to parking from the front entrances of large retail buildings greater than 50,000 square feet, the building side of any internal street with a public access easement may serve as the line from which the setback is measured. The total ground floor area of buildings utilizing this exception, however, shall constitute no more than 50 percent of the total ground floor area of buildings shown on the conceptual site plan.

Note: A campus development is defined as a unified group of buildings and/or facilities located on a contiguous parcel(s) and operated as a place of worship, school, or hospital.

4. **Rear yard:** 5 feet minimum setback.
5. **Side yard:** Setbacks are required when an abutting property with an existing building has windows facing to the side. Then, any new development or addition shall provide at least 10 feet of separation between the existing and new building.
Note: Additional setback conditions are included in ~~D.~~ Section 4.903.G Other Development Standards.

6. **Minimum Height:** 18 feet

Note: Development in the Low Intensity Mixed-Use ("MU-1G") District is exempt from Section 6.100. Minimum building height for all uses shall be measured from the top of the finished slab to top of the highest wall facade. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in Section 6.100.5.

7. **Maximum** **Height**
 - a. 45 feet, or 3 stories, whichever is less; or
 - b. 60 feet or 5 stories, whichever is less, if:
 - i. Residential uses constitute 20 percent or more of a building's gross floor area, and
 - ii. Office, eating and entertainment, and/or retail sales and service use constitute 10 percent or more of the building's gross floor area.
 - iii. Residential projects utilize structured parking that is completely obstructed from view from the Primary Street and the requirements for Parking Structure Facades in Section 4.903.F.7.

Note: Development in the Low Intensity Greenfield Mixed-Use ("MU-1G") District is exempt from Section 6.100. Maximum building height for all uses shall be measured from the top of the finished slab at grade level to the top of the highest wall top plate. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in Section 6.100.5. Stealth Telecommunication Towers are permitted to a height of 75 feet. The Urban Design Commission must approve the design of all Stealth Telecommunication Towers. Telecommunication Towers are permitted to a height of 60 feet as a Special Exception approved by the Board of Adjustment.

8. **Minimum residential units per acre:** ~~None; except when a residential or mixed use project is located within 1,320 feet of an entrance to an existing or approved passenger rail station or stop: 20~~
9. **Maximum residential units per acre:** ~~Nonea. 40; or b. 60 if the project includes office, eating and entertainment, and/or retail sales and service uses that constitute at least 10 percent of gross floor area.~~
10. **Open space:** ~~Open space shall constitute at least:a. 20 percent of net land area for single use residential developments and mixed use projects in which residential uses constitute greater than 90 percent of gross floor area; orb. 10 percent of net land area for commercial and institutional uses, and for mixed use projects which include office, eating and entertainment, and/or retail sales and service uses that constitute 10 percent or more of gross floor area.~~

Note: ~~Also see conditions for required landscape areas and bufferyards in Chapter 6, Article 3, and D. Other Development Standards below.~~

D. Off-Street Parking and Loading.

1. Commercial and Mixed-Use Parking Table:

<u>Location</u>		<u>Requirement as a percentage of parking requirement listed in Section 6.201B</u>	
		<u>Minimum</u>	<u>Maximum</u>
<u>Project not located within 250 feet of One or Two Family zoned property;</u>		<u>None</u>	<u>100 percent</u>
	<u>and within 1,320 feet of an entrance to an existing or approved passenger rail station or stop</u>	<u>None</u>	<u>75 percent</u>
<u>Project located within 250 feet of One or Two Family zoned property;</u>		<u>75 percent</u>	<u>100 percent</u>
	<u>and within 1,320 feet of an entrance to an existing or approved passenger rail station or stop</u>	<u>50 percent</u>	<u>75 percent</u>

2. Residential Parking Table:

<u>Building Type/Use</u>	<u>Requirement</u>
<u>Single Family</u>	<u>2 parking spaces located behind the front of the building line per dwelling unit.</u>

<u>Townhouse</u>	<u>2 parking spaces per dwelling unit are required at the rear of the primary structure and accessed via a driveway or rear alley.</u>
<u>Manor house (duplex)</u>	<u>2 spaces per dwelling unit</u> <u>plus 1 space per bedroom over three (3) bedrooms per dwelling unit</u> <u>all located behind the front building line</u>
<u>Manor house (apartment) and Apartment/Condominium</u> <u>On-street parking along the lot frontage may be applied toward the minimum parking requirements, but shall not reduce the applicable maximum parking limitations.</u>	<u>0.75 to 1 off-street spaces required per bedroom, located behind the front building line*</u> <u>Plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage)</u> <u>If the development is within 1,320 feet of a rail transit station</u> <u>0.5 to 1 off-street spaces required per bedroom, located behind the front building line*</u> <u>Plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage)</u> <u>*All partial spaces are rounded up.</u>

3. Bicycle Parking: See Section 6.204

~~11. Off-Street Parking and Loading~~

- ~~a. Commercial uses that are located beyond two hundred fifty feet (250') of One or Two Family zoned property, excluding other MU districts, do not require parking.~~
- ~~b. Townhouses require a minimum of one off-street parking space per dwelling unit, with a maximum of two off-street parking spaces per unit. For uses other than townhouses in the Low Intensity Greenfield Mixed Use ("MU 1G") District, the parking requirements listed in Section 6.201B shall be reduced by the following proportions:~~
 - ~~i. 25 percent reduction for all uses in buildings not within 1,500 feet of an entrance to a passenger rail station, with the maximum number of parking spaces limited to 110 percent of the minimum requirement listed in Section 6.201B; or,~~
 - ~~ii. 50 percent reduction for all uses in buildings whose primary entrance is within 1,500 feet of an entrance to a passenger rail~~

~~station or rail stop, with the maximum number of parking spaces limited to 110 percent of the minimum requirement listed in Section 6.201B.~~

- ~~c. For mixed-use buildings and projects, the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section e. below, would allow a reduction in the total requirement for a mixed-use building or project.~~

4. Other Off-Street Parking and Loading Standards

- a. The required off-street parking for any use may be located off-site, on property within 500 feet of the subject site.
- b. Adjacent on-street parking may be applied toward the minimum parking requirements, but shall not reduce the pertinent maximum parking limitations.
- c. For mixed-use buildings and projects the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section d below, would allow a reduction in the total requirement for a mixed-use building or project.
- d. Joint use parking facilities may be used to meet minimum parking requirements. The total number of spaces shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility. ~~This limit shall not apply to a multilevel parking garage that is used as a joint use facility.~~ Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning and Development Department as part of a building permit application or site plan review:
 - i. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - ii. The location and number of parking spaces that are being shared;
 - iii. An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and,
 - iv. A legal instrument such as an easement or deed restriction that guarantees access to the joint parking for all uses.
- e. Surface parking shall not be permitted between a building front and the street, except that angled, perpendicular, or parallel parking

that is designed to function as on-street parking ~~partially or completely located on private property~~ shall be permitted if it meets the following ~~three~~ two conditions:

- i. The City's Traffic Engineer determines that the parking does not adversely affect public safety or circulation and satisfies the conditions described in Section 22-175d of the City Code, ~~and~~
 - ii. Each parking space ~~The parking~~ is located adjacent to and is directly accessible from a public street or publically accessible private street,
 - iii. Surface parking permitted between a building front and the street (on-street parking) and the required pedestrian walkway shall be either dedicated as public right-of-way or be included in a public access easement recorded in the real property records of the county. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line and the setback shall be no greater than 20 feet.
- f. Uses located in historically significant buildings shall be exempt from off-street parking requirements. For the purposes of this exemption, historically significant buildings shall include those determined by the Historic Preservation Officer to be eligible, based on the applicable criteria, for:
- i. Listing in the National Register of Historic Places; or
 - ii. Local designation as either Historic and Cultural Landmark ("HC") or Highly Significant Endangered ("HSE").
- g. These requirements supersede the parking requirements of Section 6.201B. All other requirements of Chapter 6, Article 2 apply.

E. Landscaping and Buffers. The requirements of Chapter 6, Article 3 apply, with the following provisions.

1. Bufferyard and Supplemental Building Setback.

- a. For the purposes of this section, the Low Intensity Mixed-Use ("MU-1G") District shall be considered a nonresidential district.
- b. A bufferyard and supplemental building setback are not required between the boundary of a one- or two-family development within the Low Intensity Mixed-Use ("MU-1G") District and an adjacent one- or two-family district.
- c. All uses, other than one- or two-family adjacent to one- and two-family districts, shall conform to the supplemental building setback and bufferyard width standards required for the Neighborhood Commercial ("E") District, as described in Section 6.300C. Area Requirements. In addition, a transitional height plane of 45 degrees shall apply to portions of a building above 45 feet or 3

45 feet or 3 stories, whichever is less

45°

One- or two-family

MU-1G

20 feet

20 feet

60 feet height limit for mixed-use buildings

200 feet

2. **Enhanced Landscaping Point System Requirements.** Enhanced landscaping must earn a minimum of 30 points (20 points in single-family house and urban manor houses with two (2) units) that are awarded for providing and maintaining specific landscaping and design features. The points are accumulated as follows:

13

<u>Enhanced streetscaping</u>	<u>Each 50 ft segment of street frontage is required to have 2 streetscaping items. Items include but are not limited to benches, trash receptacles, bike racks, and planters using materials appropriate for the adjacent street and approved by the Transportation and Public Works Department.</u>	<u>10</u>
<u>Pedestrian-scaled lighting</u>	<u>1 light post every 60 ft of street frontage; style approved by the Transportation and Public Works Department and consistent with other pedestrian lights on the same block.</u>	<u>10</u>
<u>Programmed recreation area</u>	<u>3% of net land area. Programmed recreation areas include but are not limited to chess parks, bocce ball courts, and exercise/yoga facilities</u>	<u>10</u>
<u>Public art installation</u>	<u>As approved by the Planning and Development Director or designee. Public art installations include but are not limited to pieces of sculpture, murals, and water features planned and executed with the specific intention of being sited or staged in the physical public domain, outside and accessible to all. Materials used are durable and resistant to graffiti and weather.</u>	<u>10</u>
<u>Street trees</u>	<u>Required spacing:</u> <ul style="list-style-type: none"> <u>• Small/Medium Canopy 25 – 30 ft</u> <u>• Large Canopy 35 – 40 ft</u> 	<u>10</u>
<u>Window awnings, shallow door canopies, or other façade features that are not intended to provide pedestrian shelter (less than 4 ft in depth)</u>	<u>25% of façade facing primary street or 15 linear ft, whichever is greater. Multiple features (i.e. awnings) may add up to the required amount.</u>	<u>5</u>
<u>Programmed sitting area/public outdoor dining area</u>	<u>Minimum 15 seats</u>	<u>5</u>
<u>Proximity to a public park</u>	<u>Within 500 ft</u>	<u>5</u>
<u>Sustainable landscaping</u>	<u>Xeriscaping, on-site stormwater management, rain gardens, bio-swales, etc.</u>	<u>5</u>
<u>Rooftop terrace</u>	<u>Minimum 200 sq ft</u>	<u>5</u>
<u>Paved walkway enhancement</u>	<u>1 pt for every additional foot of sidewalk width over the City standard (up to a 15 ft wide sidewalk total)</u>	<u>1-11</u>

- a. Points shall be awarded only once for each feature category, per project.
- b. Submittal of Landscape Plan. The location and description of decorative paving, sidewalk furniture or other decorative elements, if any, shall be indicated on the landscape plan.
- c. ~~Landscape area required. When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level encroachments. This front yard landscaping must adhere to the tree and shrub planting requirements of Section 6.301H as well as other applicable landscaping requirements described or referenced within the MU-1G regulations. Street trees planted in the parkway abutting the property may be credited towards the tree planting requirements described in Section 6.301H if the property owner assumes responsibility for their maintenance through formal agreement with the Parks and Community Services Department. This credit is applicable to properties with or without required front yard landscaping. Multifamily and mixed use developments shall conform to the requirements of commercial and institutional uses in Section 6.301H. Section 6.301.H "Landscape Area Required" does not apply to developments in the MU-1G district; except~~
 - i. All landscaped areas shall be located outside the perimeter of the footprint of a building or structure; protected by wheel stops, curbs or other physical barriers where adjacent to vehicle use areas; and be covered with grass, organic mulch or low maintenance groundcover. (Section 6.301.H.1.b)
 - ii. Landscaped bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil. (Section 6.301.H.2.b)
 - iii. When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level patios, parkways and pedestrian walkways. Front yard landscaping must adhere to the shrub and native plants as listed in Table 6.8, Table A of Section 6.301.H. as well as other applicable regulations described or referenced within the MU-1G regulations.
- d. ~~Irrigation. An irrigation system shall not be required if the landscape plan demonstrates that use of drought resistant plants does not require irrigation. Trees shall require an irrigation system, regardless of species, and the irrigation system may be provided entirely within the property boundary. An irrigation system shall be installed to provide total water coverage to all plant materials installed pursuant to Section 6.301.I "Irrigation".~~
- e. ~~Miscellaneous Requirements. Sections 6.301J.3 and 6.301J.4 shall not apply.~~ In addition to required trees and shrubs, all of the required landscape area must be covered with grass, organic mulch, live groundcover, decorative paving, sidewalk furniture or other decorative elements.

~~Exemptions from Landscape Requirements. Section 6.301G shall not apply. Construction and expansion of multifamily and mixed-use developments within the MU-1G districts are not subject to the Unified Residential Development provisions set forth in Section 6.506, except for 6.506H, but are subject to the landscape requirements described and/or referenced within the MU-1G regulations, which include provisions of the landscape ordinance.~~

3. Landscaping in Parking and Driveway Areas.

- a. Landscape islands, linear landscaping strips, bio swales, or rain gardens shall be required in parking lots with 12 or more parking spaces. All landscape islands and strips shall have at least one tree. Landscaping islands shall be required in parking lots with 12 or more parking spaces. The total area of landscape islands shall equal at a minimum 5 square feet per parking space
- b. Every parking space is required to be not more than 60 feet from a medium or large canopy tree planted within a median, strip or island measured from the trunk at planting.
- c. Required size of landscape islands and linear landscaping strips containing trees:
 - i. Within parking lots with non-porous surfaces: 130 square feet; 8 feet minimum width
 - ii. Planted in Structural Soil: 64 square feet; 8 feet minimum width. The use of an approved structural soil shall be limited to landscape islands and adjacent walkways and parking areas necessary for proper tree growth. Structural soils shall not be used for fire lanes in parking lots.
 - iii. Within parking lots with approved porous surfaces for parking areas excluding fire lanes: 16 square feet. Tree trunks should be protected by wheel stops or other physical barriers excluding curbs.
 - iv. Linear landscaping strips are encouraged in lieu of landscaping islands where possible.
- d. Parking lots shall be screened from the public right-of-way with landscaping, berms, fences or walls 36 to 42 inches in height.
- e. Driveways that are located adjacent and parallel to a public street shall be screened from the public right-of-way with landscaping, berms, fences, or walls 36 to 42 inches in height.

F. Facade Design Standards for New Construction. Projects that clearly conform to all façade design standards may be approved administratively by the Planning and Development Director or designee. A waiver from the façade design standards may be granted by the Urban Design Commission (UDC) in accordance with the applicable development principles and standards. **Statement of Intent**—The following design standards are intended to encourage new buildings that complement neighborhood character, add visual interest, and support a

~~pedestrian-oriented environment. The standards are not intended to encourage architectural uniformity or the imitation of older buildings.~~

Large Retail Stores – Large retail stores greater than 50,000 square feet are exempt from the regulations of this section 8 “Façade Design Standards for New Construction,” but shall conform to the design standards for large retail stores listed in section 5.134 of the zoning ordinance.

1. **Required drawings.** To illustrate compliance with the following standards, elevation drawings shall be submitted to the Planning and Development Department for those building facades that are oriented to:
 - a. Public streets;
 - b. Private streets and walkways that are publicly accessible through a public use easement; or
 - c. Publicly accessible open space.
2. **Facade variation.**
 - a. **Scaling Elements:** Each new building facade oriented to a publicly accessible street or open space shall at a minimum incorporate three or more of the following four scaling elements for building facades greater than 50 feet in width, and at least two of the following scaling elements for building facades less than 50 feet in width:
 - i. Expression of building structural elements such as:
 - a) Floors (banding, belt courses, etc. not less than one inch deep and four inches wide),
 - b) Columns (pilasters, piers, quoins, etc. not less than four inches deep and six inches wide), or
 - c) Foundation (water tables, rustication);
 - ii. Variation in wall plane (not less than four inches) through the use of projecting and recessed elements. Such elements could include patterns of door and window openings (and the use of sills, mullions, and other scale providing window elements), and/or more pronounced architectural features, such as porches, alcoves, and roof dormers;
 - iii. Changes in material or material pattern. Each change of material shall involve a minimum one-inch variation in wall plane; and
 - iv. Noticeable changes in color or shade.
 - b. New buildings facades oriented to a publicly accessible street or open space shall include differentiation between the first or second level and the upper levels with a cornice, canopy, balcony, arcade, or other architectural feature.
 - c. If a project consists of more than one block face, each sequential block of new construction shall contain a different building facade to encourage architectural variety within large projects, using the required architectural elements listed in Section a.i above and/or other architectural features.

- d. New multifamily residential building facades oriented to a publicly accessible street or open space shall include at least two variations in wall plane per 100 linear feet of street frontage. Variations shall be not less than three feet in depth or projection and not less than two stories in height for multi-story buildings.

3. **Fenestration:** ~~New commercial building facades fronting on publicly accessible streets or open space shall be not less than 40 percent or more than 90 percent clear glazing.~~ New single use commercial and mixed-use building facades fronting on publicly accessible streets or open space shall meet the following requirements:

<u>Fenestration Requirement</u>		
<u>Project Type</u>	<u>Primary Street</u>	<u>Side Street</u>
<u>Mixed-Use</u>		
Ground Story from 2 feet to 12 feet above grade	<u>60 percent</u>	<u>40 percent</u>
Upper Stories	<u>25 percent</u>	<u>25 percent</u>
<u>Commercial</u>		
Ground Story from 2 feet to 12 feet above grade	<u>60 percent</u>	<u>40 percent</u>
Upper Stories	<u>25 percent</u>	<u>25 percent</u>
<u>Residential</u>	<u>None</u>	<u>None</u>

- a. Clear glazing must have a visible transmittance rating of 0.5 or greater to count towards the fenestration requirement
- b. Fenestration alternatives: The following alternatives may count towards meeting the fenestration requirement and can be used in singular or in combination. If used in combination, they may count no more than 70 percent of the fenestration requirements:

<u>Fenestration Alternatives</u>	
<u>Alternative</u>	<u>Percent towards requirement</u>
<u>Windows at the ground story but outside the 2 – 12 feet zone</u>	<u>40 percent</u>
<u>Wall mounted or recessed display cases at least 4 feet high</u>	<u>40 percent</u>
<u>Walk-up automated teller machines, video rental or similar kiosk</u>	<u>40 percent</u>
<u>Green screen system, planter walls, or similar vegetation</u>	<u>40 percent</u>
<u>Translucent, fritted, patterned, or colored glazing</u>	<u>40 percent</u>
<u>Outdoor dining/seating located between the building and street</u>	<u>60 percent</u>

4. **Building materials.** Not less than 70 percent of all new building facades (not including door and window areas) facing publicly accessible streets or open space shall be constructed of the following masonry materials: stone, brick,

terra cotta, patterned pre-cast concrete, cement plaster stucco, cement board siding, cast stone or prefabricated brick panels.

5. **Building entries.**

- b. Building entrances shall incorporate arcades, roofs, porches, alcoves or awnings that protect pedestrians from the sun and rain.
- c. Primary entrances shall be provided at intervals not to exceed 125 linear feet of street-oriented residential building frontage.
- d. Townhouses and other similar street level dwelling units within multi-unit structures shall have individual street-oriented entries for each unit.
- e. Manor Houses shall have a single primary entrance provided however, that a Manor House with two dwelling units (duplex) may have one primary entrance for each unit. Each primary entrance must be provided under a shared porch or one of the entrances must be accessed from a side façade of the structure.

6. **Commercial and Mixed-Use Roof Design.** Roof slope shall not be greater than 1:12 on all single-story buildings. Sloped roof elements, including but not limited to mansard roofs, half - false roofs and towers are allowed.

7. **Parking Structure Façade Standards**

- a. Buildings shall not have exposed structured parking at the ground floor level.
- b. A parking structure facade that faces a public street shall be designed to incorporate contextual architectural elements that complement adjacent buildings or buildings in the area.
- c. Parking structure openings shall not exceed 50 percent of the total ground floor façade.

8. **Metal Buildings.** The exterior metal building walls of the front and any sides of a building facing a public street that will be constructed with metal cladding as the primary siding material shall not be constructed with exposed fasteners on more than fifty (50%) percent of the building. All buildings with metal siding shall have at least two exterior architectural features for articulation, such as front porches, gables, awnings, or other exterior siding materials. Exterior metal siding shall not be considered an architectural feature. These provisions shall not apply to large Retail Stores. (Ord. No. 18904, Eff. 11/10/09)

G. Other Development Standards

Development in the Low Intensity Mixed-Use (“MU-1”) District shall be subject to the pertinent development standards in Chapter 6, and the following provisions:

- 1. **Signs.** Refer to *‘Development Standards, Chapter 6.400 Signs’*. See Chapter 6, Article 4 for requirements and the following provision:
 - a. In addition to signs allowed in Chapter 6, Article 4, one or more attached project identifier or wayfinding signs may be erected on each facade of the

occupied space. The signs may have a total area of 10% of the area of the facade to which the signs are attached, with a maximum aggregate area of 500 square feet per facade. Doors and windows shall be included in the calculation of the facade area. The facade area shall be calculated by multiplying the width times the height, with a maximum calculated height of 15 feet. For structures exceeding 15 feet in height, allowable sign square footage shall be calculated as .75 square feet per linear foot of building facade.

C. **Residential Design Standards.** Multifamily developments are exempt from the requirements of Section 6.506. “Unified Residential Development”.

~~a. For townhouses and other one and two family residential development, the “MU-1G” property development standards of Section 4.903.C. shall apply, with the exception of maximum residential units per acre. For townhouses and other one and two family development, the maximum residential units shall be 24.~~
~~b. Multifamily development and mixed-use projects are exempt from the requirements of Section 6.506 Unified Residential Development except 6.506H, which lists spacing requirements for projects consisting of multiple buildings. Section 6.506H shall apply to all multifamily development and to mixed-use projects in which the residential uses constitute greater than 90 percent of gross floor area.~~
~~c. The following requirements are applicable to open space in multifamily development and mixed-use projects in which the residential uses constitute greater than 90 percent of gross floor area:~~

- ~~2. Rooftop terraces and other common spaces may be included as part of the required open space.~~
- ~~3. No space or area less than 6 feet in any dimension shall be counted as open space.~~

2. **Outdoor Storage or Display.** Outdoor storage or display requirements for the Neighborhood Commercial (“E”) District shall apply to the Low Intensity Mixed-Use Greenfield (“MU-1G”) District.
3. **Entrances.** In order to create a pedestrian-oriented environment in which buildings are oriented toward publicly accessible streets and sidewalks, a principal building must have its main entrance from a public sidewalk or plaza, or from a private sidewalk or plaza that is publicly accessible through a public use easement. The main entrance shall not be from a parking lot. Secondary entrances from parking lots are permitted. Interior buildings constructed as part of a campus development are exempt from these requirements.
4. **Fences and Gates.** In order to promote pedestrian-oriented developments, exterior security fences and gates that are located along public streets, along private streets or walkways that are publicly accessible through a public use easement, or along publicly accessible open space shall not extend beyond building facades; i.e., these fences shall not be located in the area between building facades and the property line. Fences not exceeding 4 feet in height,

however, may extend beyond the building façade of attached or detached single family house or townhouse developments in mixed-use zoning districts (see ‘5.305 Fences’ B.2. for fence development standards).

6. **Development Standards Applicable to Privately Owned Streets and Drives with Public Access Easements.** Private streets and drives with public access easements shall be considered public streets or rights-of-way for the purposes of review for compliance with setbacks, parking, screening, façade variations, fenestration, and any other MU-1G design requirement normally based on streets.

H. Administrative Review Requirements

1. Conceptual Land Use Plan. Developers of projects equal to or larger than 3 acres in size shall submit a conceptual land use plan for approval by the Planning and Development Director. The conceptual land use plan must be approved before a building permit application is accepted by the Planning and Development Department. The Planning and Development Director may require a conceptual land use plan for a project smaller than 3 acres if the project is part of a development equal to or larger than 3 acres in size.
 - a. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:
 - One- or two-family residential,
 - Multifamily residential,
 - Commercial,
 - Institutional,
 - Mixed-use buildings (a mix of residential and non-residential within the same building, meeting the percentage requirements defined in Section 4.903.C.75.b), or
 - Public park.
Parking facilities and private open spaces shall be classified the same as the primary land use they serve.
 - b. Project Test - The conceptual land use plan shall show that the proposed project includes uses within at least two of the land use categories, One-family detached residential shall not exceed 50 percent of the total land area, and that no land use category other than mixed-use buildings occupies greater than 70 percent of the total land area.
The land use area percentages shall be calculated using property information obtained from the applicable tax appraisal district. If a development does not comply with this test, then the vicinity test described below shall apply.
 - c. Vicinity Test - Developments in which a single land use other than mixed-use buildings exceeds 70 percent of the site’s total land area are permitted if:

- i. The Planning and Development Director determines that the following conditions are satisfied:
 - a. The proposed land use at any location within the proposed development site must be within a walking distance of 1,000 feet of a different land use, as measured by the shortest pedestrian route, and
 - b. The percentage of any single land use category other than mixed-use buildings within a 1,000-foot radius of any location within the proposed development site shall not be greater than 70 percent of the land area within the radius. The proposed development shall be included in the calculation of this percentage. Undeveloped or agricultural property located within the radius shall not be included in the calculation.
 - c. Once a project, or portion of a project, is constructed or partially constructed in accordance with the approved Conceptual Land Use Plan, this Vicinity Test shall not create legal non-conforming status nor prevent the restoration of a building or buildings destroyed by fire, explosion or other casualty, or act of God, or the public enemy, nor prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. Subsequent development within the 1,000 ft. radius described in Section b. above shall not affect the approved conceptual land use plan and shall not create legal non-conforming status. Or
 - ii. The Planning and Development Director determines that the developer has demonstrated that unique site conditions (e.g. adjacency to natural features, highways, freight yards, etc.) make compliance with the conditions of section i. above impractical in certain areas of the development site.
2. **Conceptual Site Plan.** In order to facilitate compliance with the mixed-use zoning standards, developers shall submit a conceptual site plan to the Planning and Development Department for administrative review prior to submittal of permit applications for new construction projects. The site plan shall show the anticipated location of proposed streets, sidewalks and walkways, building footprints, parking areas, landscaped areas and features, and open space.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such

Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and

criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 7.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

ADOPTED: _____
EFFECTIVE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 10 "INDUSTRIAL DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO AMEND A MIXED-USE ZONING DISTRICT, SECTION 4.1001, "HIGH INTENSITY MIXED-USE" (MU-2) DISTRICT AND ESTABLISH DEVELOPMENT STANDARDS FOR THE DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS the Comprehensive Plan designates mixed-use growth centers to encourage the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers;

WHEREAS the zoning ordinance contains certain property development regulations that impede the development of mixed-use neighborhoods and commercial centers as envisioned in the Comprehensive Plan;

WHEREAS the zoning ordinance prohibits residential development within commercial and industrial districts other than the Central Business District;

WHEREAS mixed-use zoning may help advance revitalization initiatives in areas outside of the designated mixed-use growth centers;

WHEREAS the creation of walkable, mixed-use districts should assist the City in addressing air quality and congestion problems;

WHEREAS there is growing market demand for new residential and commercial development within compact, mixed-use districts;

WHEREAS mixed-use development standards, together with the proactive use of historic preservation regulations contained in Chapter 4, Article 5 of the zoning ordinance, will promote the preservation and adaptive reuse of historic buildings; and

WHEREAS mixed-use zoning is intended to work in conjunction with district-specific redevelopment plans and urban design guidelines or standards to ensure high quality development that is consistent with the character of the district; and

WHEREAS mixed-use zoning is intended to work in conjunction with the proactive development of urban parks and plazas; and an open space development program, separate from the mixed-use zoning regulations, could help ensure the creation of public spaces in mixed-use districts; and

WHEREAS mixed-use zoning is intended to work in conjunction with redevelopment incentive programs such as the Neighborhood Empowerment Zones authorized by Chapter 378 of the Texas Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Article 10 “Industrial Districts”, Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to amend Section 4.1002, High Intensity Greenfield Mixed-Use (“MU-2G”) to read as follows:

4.1002 High Intensity Greenfield Mixed-Use ("MU-2G") District

A. Purpose and Intent

1. **Purpose.** The purpose of the MU-2G zoning classification is to promote pedestrian-oriented, mixed-use development in undeveloped areas designated in the Comprehensive Plan as future mixed-use growth centers. The MU-2G regulations are intended to encourage the development of neighborhood-scale activity centers in which a variety of housing types may exist among

neighborhood-serving commercial and institutional uses.

Minimum Development Site Land Area: MU-2G shall only be used for large-scale development sites of at least 100 acres. These development sites of at least 100 acres may include a combination of contiguous MU districts (i.e. MU-1, MU-1G, MU-2, MU-2G, PD/MU). Public rights of way may be included in the calculation of a site's size.

2. Intent Statements

a. General Development Principles

1. Promote a pedestrian-oriented urban form. In contrast to conventional zoning standards that place a primary emphasis on the regulation of land uses, mixed-use development standards and guidelines focus on promoting a walkable, urban form of development, consistent with the surrounding area's historic urban character. The focus on form promotes buildings that conform to tested urban design principles.

2. Require excellence in the design of the public realm and of buildings that front public spaces. The most successful and memorable urban environments are those in which walking down the street is appealing. Streets, plazas, parks, and other public spaces should be comfortable and inviting, and buildings fronting those spaces should be active and visually interesting at the pedestrian level.

3. Encourage creativity, architectural diversity, and exceptional design.

Mixed-use is intended to promote high quality design, and the development review process for mixed-use projects is intended to promote flexibility. Standards and guidelines, as well as the development review process, are intended to support creativity and exceptional design while discouraging uniformity.

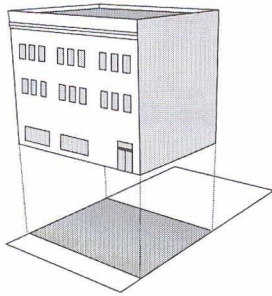
4. Promote sustainable development that minimizes negative impacts on natural resources. Creating a walkable, higher density residential district surrounding mixed-use districts supports sustainable development by providing an alternative to low-density development in peripheral areas. In accordance with sustainable development principles, the mixed-use buildings and public spaces should be designed to minimize negative impacts on air and water quality and promote innovation in environmental design.

b. Building Types Permitted

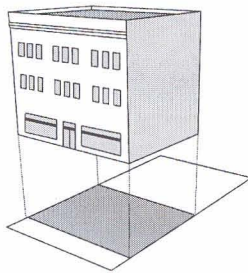
The following building intent statements and illustrations have been provided to demonstrate the recommended building forms in the Low Intensity Mixed-Use ("MU-2G") District. All intent statements are

addressed through development standards set out in Section 4.1002 C through G.

1. General Commercial: A development type with nonresidential uses. Ground-story spaces are flexible enough to accommodate a variety of nonresidential uses. Upper stories are used for offices or other types of compatible nonresidential uses. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. No on-site surface parking is permitted between the building and the street. Primary entrances are prominent and street-facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground-story space.

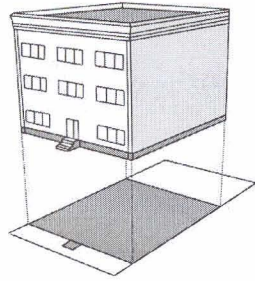


2. Mixed-Use Shopfront: A development type with ground-story retail and upper-story residential or offices uses. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. No on-site surface parking is permitted between the building and the street. Primary entrances are prominent and street-facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground-story space.

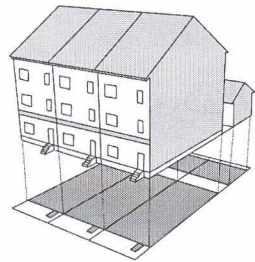


3. Apartment/ Condominium: The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. The building often shares a common entrance. Primary entrances are prominent and street-facing. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for an

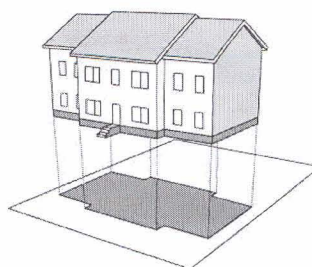
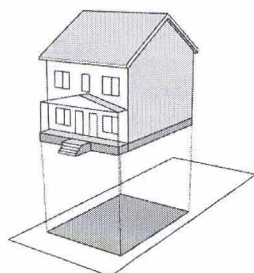
apartment/condominium building is allowed on the side or rear of the building, but the preferred method is at the rear of the building.



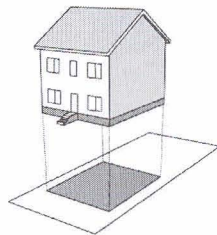
4. Townhouse: A building with three or more attached dwelling units consolidated into a single structure. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. A townhouse unit is more than one story in height; however, units should not be vertically mixed. Each unit has its own external entrance. Parking access via a driveway or rear alley is required. An elevated ground floor for residential uses is recommended to ensure privacy.



5. Urban Manor House: A development/building with two to five attached dwelling units consolidated in a single structure. A manor house is located on a single lot and contains common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. The building has the appearance of a conventional single-family house with a single primary entrance except that a manor house with two dwelling units (duplex) may have one primary entrance for each unit provided it meets the requirements of 4.902 D.8.f.iv. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for a manor house is allowed on the side or rear of the building, but the preferred method is through traditional forms with detached garages at the rear when possible.



6. Single-Family House: The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for a single family home is allowed on the side or rear of the building, but the preferred method is through traditional forms with detached garages at the rear when possible.



B. Uses

In the High Intensity Greenfield Mixed-Use (“MU-2G”) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, nor shall a Certificate of Occupancy be issued, except in accordance with the use table in Chapter 4, Article 8, and the supplemental standards of Chapter 5.

In the High Intensity Greenfield Mixed-Use (“MU-2G”) District, residential, commercial and institutional uses may occupy the same building and lot. All projects must comply with the mix of use requirements described in Section 4.1002.H.1. 4.1002.E.1.

One-family detached residential lots shall not exceed 10,000 square feet.

C. Property Development Standards

In the High Intensity Greenfield Mixed-Use (“MU-2G”) District, the dimension of yards, the placement of the building, the minimum and maximum height of buildings, the minimum and maximum residential density, and the enhanced landscaping required open space shall be as follows:

1. **General yard development standards:** Development shall be exempt from Chapter 6, Article 1, Sections 6.101B, 6.101C, 6.101E, and 6.101G.
2. **Required street frontage:** The intent of requiring building street frontage is to encourage a more prominent and continuous street wall to promote a

multi-modal, pedestrian friendly environment while reducing the visual dominance of large surface parking lots.

- i. Primary Street: building facades shall be located within the area between the property line and the maximum setback for a minimum of 70 percent of the primary street frontage of the parcel.
 - ii. Side Street: applies only to corner lots; building facades shall be located within the area between the property line and the maximum setback for a minimum of 30 percent of the side street frontage of the parcel.
 - iii. Required street frontage shall apply only to the ground floor of the building.
 - iv. Required street frontage alternatives: These alternatives may count towards a portion of the required street frontage for the building, when meeting the following standards;
 - i. Arcades: 100%
 - ii. Residential garden court: 40%
 - iii. Outdoor seating: 40%
 - iv. Plaza: 40%
3. **Front yard:** 20 feet maximum setback, with the following provisions:
 - a. Campus developments: Interior buildings constructed as part of a campus development may be set back from the property line more than 20 feet if at least 50 percent of the public street frontage on each block face within the development contains buildings within the maximum setback of 20 feet. Interior buildings set back farther than 20 feet may not be constructed unless and until this 50 percent requirement has been satisfied.
 - b. Buildings may exceed the maximum 20-foot setback if angled, perpendicular, or parallel parking on private property meets the conditions of Section 4.1002.D.4.e. 4.f. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line, and the setback shall be no greater than 20 feet.c. Buildings on corner lots are required to meet the front yard maximum setback on primary and side streets.
 - d. To allow convenient access to parking from the front entrances of large retail buildings greater than 50,000 square feet, the building side of any internal street with a public access easement may serve as the line from which the setback is measured. The total ground floor area of buildings utilizing this exception, however, shall constitute no more than 50 percent of the total ground floor area of buildings shown on the conceptual site plan.

Note: A campus development is defined as a unified group of buildings and/or facilities located on a contiguous parcel(s) and operated as a place of worship, school, or hospital.

4. **Rear yard:** 5 feet minimum setback.

5. **Side yard:** Setbacks are required when an abutting property with an existing building has windows facing to the side. Then, any new development or addition shall provide at least 10 feet of separation between the existing and new building. Note: Additional setback conditions are included in ~~D.~~ Section 4.1002.G Other Development Standards.
6. **Minimum Height:** Two (2) stories consisting of a minimum of 18 feet

Note: Development in the High Intensity Greenfield Mixed-Use ("MU-2G") District is exempt from Section 6.100. Minimum building height for all uses shall be measured from the top of the finished slab to top of the highest wall facade. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in Section 6.100.5.

7. **Maximum** **Height**
 - a. 60 feet, or 5 stories, whichever is less; or
 - b. 120 feet or 10 stories, whichever is less, if:
 - i. Residential uses constitute 20 percent or more of a building's gross floor area, and
 - ii. Office, eating and entertainment, and/or retail sales and service use constitute 10 percent or more of the building's gross floor area.
 - iii. Residential projects utilize structured parking that is completely obstructed from view from the primary street and the requirements for Parking Structure Facades in Section 4.1002.F.7.

Note: Development in the High Intensity Greenfield Mixed-Use ("MU-2G") District is exempt from Section 6.100. Maximum building height for all uses shall be measured from the top of the finished slab at grade level to the top of the highest wall top plate. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in Section 6.100.5. Stealth Telecommunication Towers are permitted to a height of 75 feet. The Urban Design Commission must approve the design of all Stealth Telecommunication Towers. Telecommunication Towers are permitted to a height of 60 feet as a Special Exception approved by the Board of Adjustment.

8. **Minimum residential units per acre:** None; except when a residential or mixed use project is located within 1,320 feet of an entrance to an existing or approved passenger rail station or stop: 50
9. **Maximum residential units per acre:** ~~None~~ 60; ~~or No limit if the project includes office, eating and entertainment, and/or retail sales and service uses that constitute at least 10 percent of gross floor area.~~

1. Open space: Open space shall constitute at least:

- ~~-. 20 percent of net land area for single use residential developments and mixed use projects in which residential uses constitute greater than 90 percent of gross floor area; or~~
- ~~a. 10 percent of net land area for commercial, institutional, and industrial uses, and for mixed use projects which include office, eating and entertainment, and/or retail sales and service uses that constitute 10 percent or more of gross floor area. Note: Also see conditions for required landscape areas and bufferyards in Chapter 6, Article 3, and D. Other Development Standards below.~~

D. Off-Street Parking and Loading.

1. Commercial and Mixed-Use Parking Table:

<u>Location</u>		<u>Requirement as a percentage of parking requirement listed in Section 6.201B</u>	
		<u>Minimum</u>	<u>Maximum</u>
<u>Project not located within 250 feet of One or Two Family zoned property;</u>		<u>None</u>	<u>100 percent</u>
	<u>and within 1,320 feet of an entrance to an existing or approved passenger rail station or stop</u>	<u>None</u>	<u>75 percent</u>
<u>Project located within 250 feet of One or Two Family zoned property;</u>		<u>75 percent</u>	<u>100 percent</u>
	<u>and within 1,320 feet of an entrance to an existing or approved passenger rail station or stop</u>	<u>50 percent</u>	<u>75 percent</u>

2. Residential Parking Table:

<u>Building Type/Use</u>	<u>Requirement</u>
<u>Single Family</u>	<u>2 parking spaces located behind the front of the building line per dwelling unit.</u>

<u>Townhouse</u>	<u>2 parking spaces per dwelling unit are required at the rear of the primary structure and accessed via a driveway or rear alley.</u>
<u>Manor house (duplex)</u>	<u>2 spaces per dwelling unit</u> <u>plus 1 space per bedroom over three (3) bedrooms per dwelling unit</u> <u>all located behind the front building line</u>
<u>Manor house (apartment) and Apartment/Condominium</u> <u>On-street parking along the lot frontage may be applied toward the minimum parking requirements, but shall not reduce the applicable maximum parking limitations.</u>	<u>0.75 to 1 off-street spaces required per bedroom, located behind the front building line*</u> <u>Plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage)</u> <u>If the development is within 1,320 feet of a rail transit station</u> <u>0.5 to 1 off-street spaces required per bedroom, located behind the front building line*</u> <u>Plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage)</u> <u>*All partial spaces are rounded up.</u>

- ~~4. Commercial uses that are located beyond two hundred fifty feet (250') of One or Two Family zoned property, excluding other MU districts, do not require parking.~~
- ~~5. Townhouses require a minimum of one off-street parking space per dwelling unit, with a maximum of two off-street parking spaces per unit. For uses other than townhouses in the High Intensity Greenfield Mixed Use ("MU 2G") District, the parking requirements listed in Section 6.201B shall be reduced by the following proportions:~~
 - ~~i. 25 percent reduction for all uses in buildings not within 1,500 feet of an entrance to a passenger rail station, with the maximum number of parking spaces limited to 110 percent of the minimum requirement listed in Section 6.201B; or~~
 - ~~ii. 50 percent reduction for all uses in buildings whose primary entrance is within 1,500 feet of an entrance to a passenger rail station or rail stop, with the maximum~~

~~number of parking spaces limited to 110 percent of the minimum requirement listed in Section 6.201B.~~

3. **Bicycle Parking:** See Section 6.204

4. **Other Off-Street Parking and Loading Standards**

- a. The required off-street parking for any use may be located off-site, on property within 500 feet of the subject site.
- b. Adjacent on-street parking may be applied toward the minimum parking requirements, but shall not reduce the pertinent maximum parking limitations.
- c. For mixed-use buildings and projects the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section ~~d e~~ below, would allow a reduction in the total requirement for a mixed-use building or project.
- d. Joint use parking facilities may be used to meet minimum parking requirements. The total number of spaces shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility. ~~This limit shall not apply to a multilevel parking garage that is used as a joint use facility.~~ Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning and Development Department as part of a building permit application or site plan review:
 - i. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - ii. The location and number of parking spaces that are being shared;
 - iii. An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and,
 - iv. A legal instrument such as an easement or deed restriction that guarantees access to the joint parking for all uses.
- e. Surface parking shall not be permitted between a building front and the street, except that angled, perpendicular, or parallel parking that is designed to function as on-street parking shall be permitted if it meets the following three ~~two~~ conditions:

- i. The City's Traffic Engineer determines that the parking does not adversely affect public safety or circulation and satisfies the conditions described in Section 22-175d of the City Code, and
 - ii. Each parking space ~~The parking~~ is located adjacent to and is directly accessible from a public street or publically accessible private street.
 - iii. Surface parking permitted between a building front and the street (on-street parking) and the required pedestrian walkway shall be either dedicated as public right-of-way or be included in a public access easement recorded in the real property records of the county. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line and the setback shall be no greater than 20 feet.
- f. Uses located in historically significant buildings shall be exempt from off-street parking requirements. For the purposes of this exemption, historically significant buildings shall include those determined by the Historic Preservation Officer to be eligible, based on the applicable criteria, for:
- i. Listing in the National Register of Historic Places; or
 - ii. Local designation as either Historic and Cultural Landmark ("HC") or Highly Significant Endangered ("HSE").
- g. These requirements supersede the parking requirements of Section 6.201B. All other requirements of Chapter 6, Article 2 apply.

E. Landscaping and Buffers. The requirements of Chapter 6, Article 3 apply, with the following provisions.

1. Bufferyard and Supplemental Building Setback.

- a. For the purposes of this section, the High Intensity Greenfield Mixed-Use ("MU-2G") District shall be considered a nonresidential district.
- b. A bufferyard and supplemental building setback are not required between the boundary of a one- or two-family development within the High Intensity Greenfield Mixed-Use ("MU-2G") District and an adjacent one- or two-family district.
- c. All uses, other than one- or two-family adjacent to one- and two-family districts, shall conform to the supplemental building setback and bufferyard width standards required for the Neighborhood Commercial ("E") District, as described in Section 6.300C. Area Requirements. In addition, a transitional height plane of 45 degrees shall apply to portions of a building above 45 feet or 3 stories, whichever is less. Any portion of a building above 45 feet or 3 stories, whichever is less, shall be set back so that the building

does not encroach the transitional height plane; i.e., the portion of a building above 45 feet or 3 stories must be set back an additional foot for each additional foot in height. This standard is illustrated in Figure 4.1 below. These supplemental building setback and transitional height plane requirements shall not apply to buildings adjacent to one- or two-family districts that serve as public open space, such as parks and drainage ways.

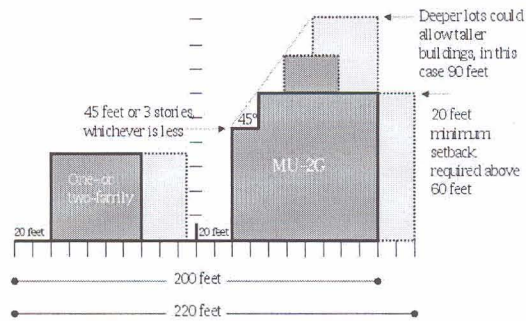


Figure 4.4 MU-2G Supplemental Building Setback and Transitional Height Plane (Popup full image)

2. **Enhanced Landscaping Point System Requirements.** Enhanced landscaping must earn a minimum of 30 points (20 points in single-family house and urban manor houses with two (2) units) that are awarded for providing and maintaining specific landscaping and design features. The points are accumulated as follows:

Enhanced Landscaping Point System – 30 points required (20 points in single-family houses and urban manor houses with two (2) units)		
<u>Feature</u>	<u>Requirement or example items</u>	<u>Points Awarded</u>
<u>Plaza</u>	<u>5% of net land area. Plaza shall be continuous w/ minimum area not less than 1,000 sq ft. <i>If 5% of net land area is greater than 2,000 square feet, multiple plazas are permitted.</i></u>	<u>15</u>
<u>Playground</u>	<u>5% of net land area w/ minimum area not less than 1000 sq ft</u>	<u>15</u>
<u>Community garden</u>	<u>1 pt for every 250 sq ft w/ minimum area not less than 1250 sq ft</u>	<u>5-15</u>
<u>Arcades, structural awnings, galleries, balconies or other approved pedestrian shelter</u>	<u>50% of façade facing primary street or 25 linear ft, whichever is greater. 4 ft minimum depth.</u>	<u>10</u>

<u>Single family front porch</u>	<u>50% of façade facing primary street</u>	<u>10</u>
<u>Enhanced streetscaping</u>	<u>Each 50 ft segment of street frontage is required to have 2 streetscaping items. Items include but are not limited to benches, trash receptacles, bike racks, and planters using materials appropriate for the adjacent street and approved by the Transportation and Public Works Department.</u>	<u>10</u>
<u>Pedestrian-scaled lighting</u>	<u>1 light post every 60 ft of street frontage; style approved by the Transportation and Pubic Works Department and consistent with other pedestrian lights on the same block.</u>	<u>10</u>
<u>Programmed recreation area</u>	<u>3% of net land area. Programmed recreation areas include but are not limited to chess parks, bocce ball courts, and exercise/yoga facilities</u>	<u>10</u>
<u>Public art installation</u>	<u>As approved by the Planning and Development Director or designee. Public art installations include but are not limited to pieces of sculpture, murals, and water features planned and executed with the specific intention of being sited or staged in the physical public domain, outside and accessible to all. Materials used are durable and resistant to graffiti and weather.</u>	<u>10</u>
<u>Street trees</u>	<u>Required spacing:</u> <ul style="list-style-type: none"> <u>• Small/Medium Canopy 25 – 30 ft</u> <u>• Large Canopy 35 – 40 ft</u> 	<u>10</u>
<u>Window awnings, shallow door canopies, or other façade features that are not intended to provide pedestrian shelter (less than 4 ft in depth)</u>	<u>25% of façade facing primary street or 15 linear ft, whichever is greater. Multiple features (i.e. awnings) may add up to the required amount.</u>	<u>5</u>
<u>Programmed sitting area/public outdoor dining area</u>	<u>Minimum 15 seats</u>	<u>5</u>
<u>Proximity to a public park</u>	<u>Within 500 ft</u>	<u>5</u>
<u>Sustainable landscaping</u>	<u>Xeriscaping, on-site stormwater management, rain gardens, bio-swales, etc.</u>	<u>5</u>
<u>Rooftop terrace</u>	<u>Minimum 200 sq ft</u>	<u>5</u>
<u>Paved walkway</u>	<u>1 pt for every additional foot of sidewalk width</u>	<u>1-11</u>

<u>enhancement</u>	<u>over the City standard (up to a 15 ft wide sidewalk total)</u>	
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- a. Points shall be awarded only once for each feature category, per project.
- b. Submittal of Landscape Plan. The location and description of decorative paving, sidewalk furniture or other decorative elements, if any, shall be indicated on the landscape plan.
- c. ~~Landscape area required. When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level encroachments. This front yard landscaping must adhere to the tree and shrub planting requirements of Section 6.301H as well as other applicable landscaping requirements described or referenced within the MU-2G regulations. Street trees planted in the parkway abutting the property may be credited towards the tree planting requirement described in Section 6.301H if the property owner assumes responsibility for their maintenance through formal agreement with the Parks and Community Services Department. This credit is applicable to properties with or without required front yard landscaping. Multifamily and mixed-use developments shall conform to the requirements of commercial and institutional uses in Section 6.301H. Section 6.301.H "Landscape Area Required" does not apply to developments in the MU-2G district; except~~
 - i. All landscaped areas shall be located outside the perimeter of the footprint of a building or structure; protected by wheel stops, curbs or other physical barriers where adjacent to vehicle use areas; and be covered with grass, organic mulch or low maintenance groundcover. (Section 6.301.H.1.b)
 - ii. Landscaped bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil. (Section 6.301.H.2.b)
 - iii. When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level patios, parkways and pedestrian walkways. Front yard landscaping must adhere to the shrub and native plants as listed in Table 6.8, Table A of Section 6.301.H. as well as other applicable regulations described or referenced within the MU-2G regulations.
- d. ~~Irrigation. An irrigation system shall not be required if the landscape plan demonstrates that use of drought resistant plants does not require irrigation. Trees shall require an irrigation system, regardless of species, and the irrigation system may be provided entirely within the property boundary. An irrigation system shall be installed to provide total water coverage to all plant materials installed pursuant to Section 6.301.I "Irrigation".~~
- e. ~~Miscellaneous Requirements. Section 6.301J.3 and 6.301J.4 shall not apply.~~ In addition to required trees and shrubs, all of the required landscape area must be covered with grass, organic mulch, live

groundcover, decorative paving, sidewalk furniture or other decorative elements.

- f. ~~Exemptions from Landscape Requirements. Section 6.301G shall not apply. Construction and expansion of multifamily and mixed uses developments within the MU 2G districts are not subject to the Unified Residential Development provisions set forth in Section 6.506, except for 6.506H, but are subject to the landscaping requirements described and/or referenced within the MU 2G regulations, which include provisions of the landscape ordinance.~~

3. Landscaping in Parking and Driveway Areas.

- a. Landscape islands, linear landscaping strips, bio swales, or rain gardens shall be required in parking lots with 12 or more parking spaces. All landscape islands and strips shall have at least one tree. Landscape islands shall be required in parking lots with 12 or more parking spaces. The total area of landscape islands shall equal at a minimum 5 square feet per parking space.
- b. Every parking space is required to be not more than 60 feet from a medium or large canopy tree planted within a median, strip or island measured from the trunk at planting.
- c. Required size of landscape islands and linear landscaping strips containing trees:
 - i. Within parking lots with non-porous surfaces: 130 square feet; 8 feet minimum width
 - ii. Planted in Structural Soil: 64 square feet; 8 feet minimum width. The use of an approved structural soil shall be limited to landscape islands and adjacent walkways and parking areas necessary for proper tree growth. Structural soils shall not be used for fire lanes in parking lots.
 - iii. Within parking lots with approved porous surfaces for parking areas excluding fire lanes: 16 square feet. Tree trunks should be protected by wheel stops or other physical barriers excluding curbs.
 - iv. Linear landscaping strips are encouraged in lieu of landscaping islands where possible.
- d. Parking lots shall be screened from the public right-of-way with landscaping, berms, fences or walls 36 to 42 inches in height.
- e. Driveways that are located adjacent and parallel to a public street shall be screened from the public right-of-way with landscaping, berms, fences, or walls 36 to 42 inches in height.

- F. **Facade Design Standards for New Construction.** Projects that clearly conform to all façade design standards may be approved administratively by the Planning and Development Director or designee. A waiver from the façade design standards may be granted by the Urban Design Commission (UDC) in accordance with the applicable development principles and standards. ~~Statement of Intent~~

~~The following design standards are intended to encourage new buildings that complement neighborhood character, add visual interest, and support a pedestrian-oriented environment. The standards are not intended to encourage architectural uniformity or the imitation of older buildings.~~

Large Retail Stores – Large retail stores greater than 50,000 square feet are exempt from the regulations of this section 8 “Façade Design Standards for New Construction,” but shall conform to the design standards for large retail stores listed in section 5.134 of the zoning ordinance.

1. **Required drawings.** To illustrate compliance with the following standards, elevation drawings shall be submitted to the Planning and Development Department for those building facades that are oriented to:
 - a. Public streets;
 - b. Private streets and walkways that are publicly accessible through a public use easement; or
 - c. Publicly accessible open space.
2. **Facade variation.**
 - a. **Scaling Elements:** Each new building facade oriented to a publicly accessible street or open space shall at a minimum incorporate three or more of the following four scaling elements for building facades greater than 50 feet in width, and at least two of the following scaling elements for building facades less than 50 feet in width:
 - i. Expression of building structural elements such as:
 - a) Floors (banding, belt courses, etc. not less than one inch deep and four inches wide),
 - b) Columns (pilasters, piers, quoins, etc. not less than four inches deep and six inches wide), or
 - c) Foundation (water tables, rustication);
 - ii. Variation in wall plane (not less than four inches) through the use of projecting and recessed elements. Such elements could include patterns of door and window openings (and the use of sills, mullions, and other scale providing window elements), and/or more pronounced architectural features, such as porches, alcoves, and roof dormers;
 - iii. Changes in material or material pattern. Each change of material shall involve a minimum one-inch variation in wall plane; and
 - iv. Noticeable changes in color or shade.
 - b. New buildings facades oriented to a publicly accessible street or open space shall include differentiation between the first or second level and the upper levels with a cornice, canopy, balcony, arcade, or other architectural feature.
 - c. If a project consists of more than one block face, each sequential block of new construction shall contain a different building facade to encourage

architectural variety within large projects, using the required architectural elements listed in Section a.i above and/or other architectural features.

- d. New multifamily residential building facades oriented to a publicly accessible street or open space shall include at least two variations in wall plane per 100 linear feet of street frontage. Variations shall be not less than three feet in depth or projection and not less than two stories in height for multi-story buildings.

3. **Fenestration:** ~~New commercial building facades fronting on publicly accessible streets or open space shall be not less than 40 percent or more than 90 percent clear glazing.~~ New single use commercial and mixed-use building facades fronting on publicly accessible streets or open space shall meet the following requirements:

<u>Fenestration Requirement</u>			
<u>Project Type</u>		<u>Primary Street</u>	<u>Side Street</u>
<u>Mixed-Use</u>			
	<u>Ground Story from 2 feet to 12 feet above grade</u>	<u>60 percent</u>	<u>40 percent</u>
	<u>Upper Stories</u>	<u>25 percent</u>	<u>25 percent</u>
<u>Commercial</u>			
	<u>Ground Story from 2 feet to 12 feet above grade</u>	<u>60 percent</u>	<u>40 percent</u>
	<u>Upper Stories</u>	<u>25 percent</u>	<u>25 percent</u>
<u>Residential</u>		<u>None</u>	<u>None</u>

- a. Clear glazing must have a visible transmittance rating of 0.5 or greater to count towards the fenestration requirement
- b. Fenestration alternatives: The following alternatives may count towards meeting the fenestration requirement and can be used in singular or in combination. If used in combination, they may count no more then 70 percent of the fenestration requirements:

<u>Fenestration Alternatives</u>	
<u>Alternative</u>	<u>Percent towards requirement</u>
<u>Windows at the ground story but outside the 2 – 12 feet zone</u>	<u>40 percent</u>
<u>Wall mounted or recessed display cases at least 4 feet high</u>	<u>40 percent</u>
<u>Walk-up automated teller machines, video rental or similar kiosk</u>	<u>40 percent</u>
<u>Green screen system, planter walls, or similar vegetation</u>	<u>40 percent</u>
<u>Translucent, fritted, patterned, or colored glazing</u>	<u>40 percent</u>
<u>Outdoor dining/seating located between the building and street</u>	<u>60 percent</u>

4. **Building materials.** Not less than 70 percent of all new building facades (not including door and window areas) facing publicly accessible streets or open space shall be constructed of the following masonry materials: stone, brick, terra cotta, patterned pre-cast concrete, cement plaster stucco, cement board siding, cast stone or prefabricated brick panels.
5. **Building entries.**
 - b. Building entrances shall incorporate arcades, roofs, porches, alcoves or awnings that protect pedestrians from the sun and rain.
 - c. Primary entrances shall be provided at intervals not to exceed 125 linear feet of street-oriented residential building frontage.
 - d. Townhouses and other similar street level dwelling units within multi-unit structures shall have individual street-oriented entries for each unit.
 - e. Manor Houses shall have a single primary entrance provided however, that a Manor House with two dwelling units (duplex) may have one primary entrance for each unit. Each primary entrance must be provided under a shared porch or one of the entrances must be accessed from a side façade of the structure.
6. **Parking Structure Façade Standards**
 - a. Buildings shall not have exposed structured parking at the ground floor level.
 - b. A parking structure facade that faces a public street shall be designed to incorporate contextual architectural elements that complement adjacent buildings or buildings in the area.
 - c. Parking structure openings shall not exceed 50 percent of the total ground floor façade.
8. **Metal Buildings.** The exterior metal building walls of the front and any sides of a building facing a public street that will be constructed with metal cladding as the primary siding material shall not be constructed with exposed fasteners on more than fifty (50%) percent of the building. All buildings with metal siding shall have at least two exterior architectural features for articulation, such as front porches, gables, awnings, or other exterior siding materials. Exterior metal siding shall not be considered an architectural feature. These provisions shall not apply to large Retail Stores. (Ord. No. 18904, Eff. 11/10/09)

G. Other

Development

Standards

Development in the High Intensity Greenfield Mixed-Use ("MU-2G") District shall be subject to the pertinent development standards in Chapter 6, and the following provisions:

1. **Signs.** See Chapter 6, Article 4 for the requirements and the following provision:
 - a. In addition to signs allowed in Chapter 6, Article 4, one or more attached project identifier or wayfinding signs may be erected on each facade of the occupied space. The signs may have a total area of 10% of the area of the facade to which the signs are attached, with a maximum aggregate area of 500 square feet per facade. Doors and windows shall be included in the calculation of the facade area. The facade area shall be calculated by multiplying the width times the height, with a maximum calculated height of 15 feet. For structures exceeding 15 feet in height, allowable sign square footage shall be calculated as .75 square feet per linear foot of building facade.
2. **Residential Design Standards.** Multifamily developments are exempt from the requirements of Section 6.506. “Unified Residential Development”.
 - ~~b. For townhouses and other one and two family residential development, the “MU 2G” property development standards of Section 4.1002.C. shall apply, with the exception of maximum residential units per acre and maximum height. For townhouses and other one and two family development, the maximum residential units per acre shall be 24, and the maximum building height shall be 45 feet or 3 stories, whichever is less.~~
 - ~~c. Multifamily development and mixed use projects are exempt from the requirements of Section 6.506 Unified Residential Development except Section 6.506H, which lists spacing requirements for projects consisting of multiple buildings. Section 6.506H shall apply to all multifamily development and to mixed use projects in which the residential uses constitute greater than 90 percent of gross floor area.~~
 - ~~d. The following requirements are applicable to open space in multifamily developments and mixed use projects in which the residential uses constitute greater than 90 percent of gross floor area:
 - ~~i. Rooftop terraces and other common spaces may be included as part of the required open space.~~
 - ~~ii. No space or area less than 6 feet in any dimension shall be counted as open space.~~~~
3. **Outdoor Storage or Display.** Outdoor storage or display requirements for the Neighborhood Commercial (“E”) District shall apply to the High Intensity Greenfield Mixed-Use (“MU-2G”) District.
4. **Entrances.** In order to create a pedestrian-oriented environment in which buildings are oriented toward publicly accessible streets and sidewalks, a principal building must have its main entrance from a public sidewalk or

plaza, or from a private sidewalk or plaza that is publicly accessible through a public use easement. The main entrance shall not be from a parking lot. Secondary entrances from parking lots are permitted. Interior buildings constructed as part of a campus development are exempt from these requirements.

5. **Fences and Gates.** In order to promote pedestrian-oriented developments, exterior security fences and gates that are located along public streets, along private streets or walkways that are publicly accessible through a public use easement, or along publicly accessible open space shall not extend beyond building facades; i.e., these fences shall not be located in the area between building facades and the property line. Fences not exceeding 4 feet in height, however, may extend beyond the building façade of attached or detached single family house or townhouse developments in mixed-use zoning districts (see '5.305 Fences' B.2. for fence development standards).
6. **Development Standards Applicable to Privately Owned Streets and Drives with Public Access Easements.** Private streets and drives with public access easements shall be considered public streets or rights-of-way for the purposes of review for compliance with setbacks, parking, screening, façade variations, fenestration, and any other MU-2G design requirement normally based on streets.

H. Administrative Review Requirements

1. Conceptual Land Use Plan. Developers of projects equal to or larger than 3 acres in size shall submit a conceptual land use plan for approval by the Planning and Development Director. The conceptual land use plan must be approved before a building permit application is accepted by the Planning and Development Department. The Planning and Development Director may require a conceptual land use plan for a project smaller than 3 acres if the project is part of a development equal to or larger than 3 acres in size.
 - a. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:
 - One- or two-family residential,
 - Multifamily residential,
 - Commercial,
 - Institutional,
 - Mixed-use buildings (a mix of residential and non-residential within the same building, meeting the percentage requirements defined in Section 4.1002.C.75.b), or
 - Public park.
Parking facilities and private open spaces shall be classified the same as the primary land use they serve.
 - b. Project Test - The conceptual land use plan shall show that the proposed project includes uses within at least two of the land use categories, One-family detached residential shall not exceed 50

percent of the total land area, and that no land use category other than mixed-use buildings occupies greater than 70 percent of the total land area.

The land use area percentages shall be calculated using property information obtained from the applicable tax appraisal district. If a development does not comply with this test, then the vicinity test described below shall apply.

c. Vicinity Test - Developments in which a single land use other than mixed-use buildings exceeds 70 percent of the site's total land area are permitted if:

- i. The Planning and Development Director determines that the following conditions are satisfied:
 - a. The proposed land use at any location within the proposed development site must be within a walking distance of 1,000 feet of a different land use, as measured by the shortest pedestrian route, and
 - b. The percentage of any single land use category other than mixed-use buildings within a 1,000-foot radius of any location within the proposed development site shall not be greater than 70 percent of the land area within the radius. The proposed development shall be included in the calculation of this percentage. Undeveloped or agricultural property located within the radius shall not be included in the calculation.
 - c. Once a project, or portion of a project, is constructed or partially constructed in accordance with the approved Conceptual Land Use Plan, this Vicinity Test shall not create legal non-conforming status nor prevent the restoration of a building or buildings destroyed by fire, explosion or other casualty, or act of God, or the public enemy, nor prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. Subsequent development within the 1,000 ft. radius described in Section b. above shall not affect the approved conceptual land use plan and shall not create legal non-conforming status. Or
- ii. The Planning and Development Director determines that the developer has demonstrated that unique site conditions (e.g. adjacency to natural features, highways, freight yards, etc.) make compliance with the conditions of section i. above impractical in certain areas of the development site.

2. **Conceptual Site Plan.** In order to facilitate compliance with the mixed-use zoning standards, developers shall submit a conceptual site plan to the Planning and Development Department for administrative review prior to

submittal of permit applications for new construction projects. The site plan shall show the anticipated location of proposed streets, sidewalks and walkways, building footprints, parking areas, landscaped areas and features, and open space.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each

offense. Each day that a violation exists shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 7.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

ADOPTED: _____
EFFECTIVE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 10 "INDUSTRIAL DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO AMEND A MIXED-USE ZONING DISTRICT, SECTION 4.1002, "HIGH INTENSITY GREENFIELD MIXED-USE" (MU-2G) DISTRICT AND ESTABLISH DEVELOPMENT STANDARDS FOR THE DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS the Comprehensive Plan designates mixed-use growth centers to encourage the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers; and

WHEREAS the zoning ordinance contains certain property development regulations that impede the development of mixed-use neighborhoods and commercial centers as envisioned in the Comprehensive Plan; and

WHEREAS the zoning ordinance prohibits residential development within commercial and industrial districts other than the Central Business District; and

WHEREAS mixed-use zoning may help advance revitalization initiatives in areas outside of the designated mixed-use growth centers; and

WHEREAS the creation of walkable, mixed-use districts should assist the City in addressing air quality and congestion problems; and

WHEREAS there is growing market demand for new residential and commercial development within compact, mixed-use districts; and

WHEREAS mixed-use development standards, together with the proactive use of historic preservation regulations contained in Chapter 4, Article 5 of the zoning ordinance, will promote the preservation and adaptive reuse of historic buildings; and

WHEREAS mixed-use zoning is intended to work in conjunction with district-specific redevelopment plans and urban design guidelines or standards to ensure high quality development that is consistent with the character of the district; and

WHEREAS mixed-use zoning is intended to work in conjunction with the proactive development of urban parks and plazas; and an open space development program, separate from the mixed-use zoning regulations, could help ensure the creation of public spaces in mixed-use districts; and

WHEREAS mixed-use zoning is intended to work in conjunction with redevelopment incentive programs such as the Neighborhood Empowerment Zones authorized by Chapter 378 of the Texas Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Article 10 “Industrial Districts”, Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to amend Section 4.1002, High Intensity Greenfield Mixed-Use (“MU-2G”) to read as follows:

4.1002 High Intensity Greenfield Mixed-Use ("MU-2G") District

A. Purpose and Intent

1. **Purpose.** The purpose of the MU-2G zoning classification is to promote pedestrian-oriented, mixed-use development in undeveloped areas designated in the Comprehensive Plan as future mixed-use growth centers. The MU-2G regulations are intended to encourage the development of neighborhood-scale activity centers in which a variety of housing types may exist among

neighborhood-serving commercial and institutional uses.

Minimum Development Site Land Area: MU-2G shall only be used for large-scale development sites of at least 100 acres. These development sites of at least 100 acres may include a combination of contiguous MU districts (i.e. MU-1, MU-1G, MU-2, MU-2G, PD/MU). Public rights of way may be included in the calculation of a site's size.

2. Intent Statements

a. General Development Principles

1. Promote a pedestrian-oriented urban form. In contrast to conventional zoning standards that place a primary emphasis on the regulation of land uses, mixed-use development standards and guidelines focus on promoting a walkable, urban form of development, consistent with the surrounding area's historic urban character. The focus on form promotes buildings that conform to tested urban design principles.

2. Require excellence in the design of the public realm and of buildings that front public spaces. The most successful and memorable urban environments are those in which walking down the street is appealing. Streets, plazas, parks, and other public spaces should be comfortable and inviting, and buildings fronting those spaces should be active and visually interesting at the pedestrian level.

3. Encourage creativity, architectural diversity, and exceptional design.

Mixed-use is intended to promote high quality design, and the development review process for mixed-use projects is intended to promote flexibility. Standards and guidelines, as well as the development review process, are intended to support creativity and exceptional design while discouraging uniformity.

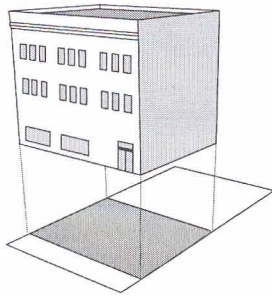
4. Promote sustainable development that minimizes negative impacts on natural resources. Creating a walkable, higher density residential district surrounding mixed-use districts supports sustainable development by providing an alternative to low-density development in peripheral areas. In accordance with sustainable development principles, the mixed-use buildings and public spaces should be designed to minimize negative impacts on air and water quality and promote innovation in environmental design.

b. Building Types Permitted

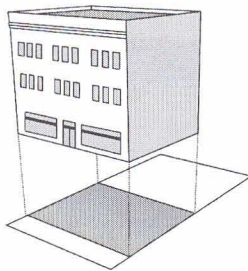
The following building intent statements and illustrations have been provided to demonstrate the recommended building forms in the Low Intensity Mixed-Use ("MU-2G") District. All intent statements are

addressed through development standards set out in Section 4.1002 C through G.

1. General Commercial: A development type with nonresidential uses. Ground-story spaces are flexible enough to accommodate a variety of nonresidential uses. Upper stories are used for offices or other types of compatible nonresidential uses. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. No on-site surface parking is permitted between the building and the street. Primary entrances are prominent and street-facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground-story space.

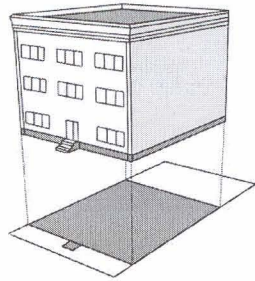


2. Mixed-Use Shopfront: A development type with ground-story retail and upper-story residential or offices uses. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. No on-site surface parking is permitted between the building and the street. Primary entrances are prominent and street-facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground-story space.

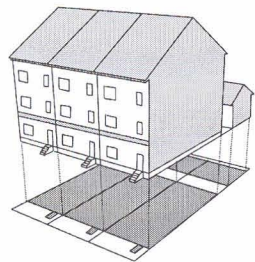


3. Apartment/ Condominium: The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. The building often shares a common entrance. Primary entrances are prominent and street-facing. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for an

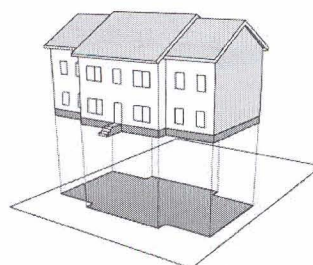
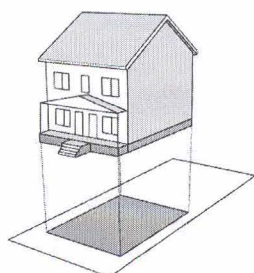
apartment/condominium building is allowed on the side or rear of the building, but the preferred method is at the rear of the building.



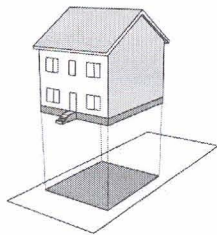
4. Townhouse: A building with three or more attached dwelling units consolidated into a single structure. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. A townhouse unit is more than one story in height; however, units should not be vertically mixed. Each unit has its own external entrance. Parking access via a driveway or rear alley is required. An elevated ground floor for residential uses is recommended to ensure privacy.



5. Urban Manor House: A development/building with two to five attached dwelling units consolidated in a single structure. A manor house is located on a single lot and contains common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. The building has the appearance of a conventional single-family house with a single primary entrance except that a manor house with two dwelling units (duplex) may have one primary entrance for each unit provided it meets the requirements of 4.902 D.8.f.iv. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for a manor house is allowed on the side or rear of the building, but the preferred method is through traditional forms with detached garages at the rear when possible.



6. Single-Family House: The front of the building is placed on, or very close to, the front property line. On corner lots, the building side facing the street is also placed on or near the side property line. An elevated ground floor for residential uses is recommended to ensure privacy. Parking for a single family home is allowed on the side or rear of the building, but the preferred method is through traditional forms with detached garages at the rear when possible.



B. Uses

In the High Intensity Greenfield Mixed-Use (“MU-2G”) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, nor shall a Certificate of Occupancy be issued, except in accordance with the use table in Chapter 4, Article 8, and the supplemental standards of Chapter 5.

In the High Intensity Greenfield Mixed-Use (“MU-2G”) District, residential, commercial and institutional uses may occupy the same building and lot. All projects must comply with the mix of use requirements described in Section 4.1002.H.1. 4.1002.E.1.

One-family detached residential lots shall not exceed 10,000 square feet.

C. Property Development Standards

In the High Intensity Greenfield Mixed-Use (“MU-2G”) District, the dimension of yards, the placement of the building, the minimum and maximum height of buildings, the minimum and maximum residential density, and the enhanced landscaping required open space shall be as follows:

1. **General yard development standards:** Development shall be exempt from Chapter 6, Article 1, Sections 6.101B, 6.101C, 6.101E, and 6.101G.
2. **Required street frontage:** The intent of requiring building street frontage is to encourage a more prominent and continuous street wall to promote a

multi-modal, pedestrian friendly environment while reducing the visual dominance of large surface parking lots.

- i. Primary Street: building facades shall be located within the area between the property line and the maximum setback for a minimum of 70 percent of the primary street frontage of the parcel.
 - ii. Side Street: applies only to corner lots; building facades shall be located within the area between the property line and the maximum setback for a minimum of 30 percent of the side street frontage of the parcel.
 - iii. Required street frontage shall apply only to the ground floor of the building.
 - iv. Required street frontage alternatives: These alternatives may count towards a portion of the required street frontage for the building, when meeting the following standards;
 - i. Arcades: 100%
 - ii. Residential garden court: 40%
 - iii. Outdoor seating: 40%
 - iv. Plaza: 40%
3. **Front yard:** 20 feet maximum setback, with the following provisions:
- a. Campus developments: Interior buildings constructed as part of a campus development may be set back from the property line more than 20 feet if at least 50 percent of the public street frontage on each block face within the development contains buildings within the maximum setback of 20 feet. Interior buildings set back farther than 20 feet may not be constructed unless and until this 50 percent requirement has been satisfied.
 - b. Buildings may exceed the maximum 20-foot setback if angled, perpendicular, or parallel parking on private property meets the conditions of Section 4.1002.D.4.e. 4-f. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line, and the setback shall be no greater than 20 feet.c. Buildings on corner lots are required to meet the front yard maximum setback on primary and side streets.
 - d. To allow convenient access to parking from the front entrances of large retail buildings greater than 50,000 square feet, the building side of any internal street with a public access easement may serve as the line from which the setback is measured. The total ground floor area of buildings utilizing this exception, however, shall constitute no more than 50 percent of the total ground floor area of buildings shown on the conceptual site plan.

Note: A campus development is defined as a unified group of buildings and/or facilities located on a contiguous parcel(s) and operated as a place of worship, school, or hospital.

4. **Rear yard:** 5 feet minimum setback.

5. **Side yard:** Setbacks are required when an abutting property with an existing building has windows facing to the side. Then, any new development or addition shall provide at least 10 feet of separation between the existing and new building. Note: Additional setback conditions are included in ~~D.~~ Section 4.1002.G Other Development Standards.
6. **Minimum Height:** Two (2) stories consisting of a minimum of 18 feet

Note: Development in the High Intensity Greenfield Mixed-Use ("MU-2G") District is exempt from Section 6.100. Minimum building height for all uses shall be measured from the top of the finished slab to top of the highest wall facade. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in Section 6.100.5.

7. **Maximum** **Height**
 - a. 60 feet, or 5 stories, whichever is less; or
 - b. 120 feet or 10 stories, whichever is less, if:
 - i. Residential uses constitute 20 percent or more of a building's gross floor area, and
 - ii. Office, eating and entertainment, and/or retail sales and service use constitute 10 percent or more of the building's gross floor area.
 - iii. Residential projects utilize structured parking that is completely obstructed from view from the primary street and the requirements for Parking Structure Facades in Section 4.1002.F.7.

Note: Development in the High Intensity Greenfield Mixed-Use ("MU-2G") District is exempt from Section 6.100. Maximum building height for all uses shall be measured from the top of the finished slab at grade level to the top of the highest wall top plate. An unroofed and unenclosed rooftop terrace, and the enclosed stairwell or elevator providing access to the terrace, shall not be included in the measurement of total building height, as described in Section 6.100.5. Stealth Telecommunication Towers are permitted to a height of 75 feet. The Urban Design Commission must approve the design of all Stealth Telecommunication Towers. Telecommunication Towers are permitted to a height of 60 feet as a Special Exception approved by the Board of Adjustment.

8. **Minimum residential units per acre:** None; except when a residential or mixed use project is located within 1,320 feet of an entrance to an existing or approved passenger rail station or stop: 50
9. **Maximum residential units per acre:** None ~~60; or No limit if the project includes office, eating and entertainment, and/or retail sales and service uses that constitute at least 10 percent of gross floor area.~~

1. ~~Open space: Open space shall constitute at least:~~

- ~~• 20 percent of net land area for single-use residential developments and mixed-use projects in which residential uses constitute greater than 90 percent of gross floor area; or~~
- ~~a. 10 percent of net land area for commercial, institutional, and industrial uses, and for mixed-use projects which include office, eating and entertainment, and/or retail sales and service uses that constitute 10 percent or more of gross floor area. Note: Also see conditions for required landscape areas and bufferyards in Chapter 6, Article 3, and D. Other Development Standards below.~~

D. Off-Street Parking and Loading.

1. Commercial and Mixed-Use Parking Table:

<u>Location</u>		<u>Requirement as a percentage of parking requirement listed in Section 6.201B</u>	
		<u>Minimum</u>	<u>Maximum</u>
<u>Project not located within 250 feet of One or Two Family zoned property;</u>		<u>None</u>	<u>100 percent</u>
	<u>and within 1,320 feet of an entrance to an existing or approved passenger rail station or stop</u>	<u>None</u>	<u>75 percent</u>
<u>Project located within 250 feet of One or Two Family zoned property;</u>		<u>75 percent</u>	<u>100 percent</u>
	<u>and within 1,320 feet of an entrance to an existing or approved passenger rail station or stop</u>	<u>50 percent</u>	<u>75 percent</u>

2. Residential Parking Table:

<u>Building Type/Use</u>	<u>Requirement</u>
<u>Single Family</u>	<u>2 parking spaces located behind the front of the building line per dwelling unit.</u>

<u>Townhouse</u>	<u>2 parking spaces per dwelling unit are required at the rear of the primary structure and accessed via a driveway or rear alley.</u>
<u>Manor house (duplex)</u>	<u>2 spaces per dwelling unit</u> <u>plus 1 space per bedroom over three (3) bedrooms per dwelling unit</u> <u>all located behind the front building line</u>
<u>Manor house (apartment) and Apartment/Condominium</u> <u>On-street parking along the lot frontage may be applied toward the minimum parking requirements, but shall not reduce the applicable maximum parking limitations.</u>	<u>0.75 to 1 off-street spaces required per bedroom, located behind the front building line*</u> <u>Plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage)</u> <u>If the development is within 1,320 feet of a rail transit station</u> <u>0.5 to 1 off-street spaces required per bedroom, located behind the front building line*</u> <u>Plus 1 space per 250 square feet of common areas, offices and recreation (less laundry rooms and storage)</u> <u>*All partial spaces are rounded up.</u>

- ~~4. Commercial uses that are located beyond two hundred fifty feet (250') of One or Two Family zoned property, excluding other MU districts, do not require parking.~~
- ~~5. Townhouses require a minimum of one off-street parking space per dwelling unit, with a maximum of two off-street parking spaces per unit. For uses other than townhouses in the High Intensity Greenfield Mixed Use ("MU 2G") District, the parking requirements listed in Section 6.201B shall be reduced by the following proportions:~~
 - ~~i. 25 percent reduction for all uses in buildings not within 1,500 feet of an entrance to a passenger rail station, with the maximum number of parking spaces limited to 110 percent of the minimum requirement listed in Section 6.201B; or~~
 - ~~ii. 50 percent reduction for all uses in buildings whose primary entrance is within 1,500 feet of an entrance to a passenger rail station or rail stop, with the maximum~~

~~number of parking spaces limited to 110 percent of the minimum requirement listed in Section 6.201B.~~

3. **Bicycle Parking:** See Section 6.204

4. **Other Off-Street Parking and Loading Standards**

- a. The required off-street parking for any use may be located off-site, on property within 500 feet of the subject site.
- b. Adjacent on-street parking may be applied toward the minimum parking requirements, but shall not reduce the pertinent maximum parking limitations.
- c. For mixed-use buildings and projects the total parking requirement shall be the sum of the individual requirements for all uses. A joint use parking agreement, if executed according to the standards set forth in section ~~d~~ e below, would allow a reduction in the total requirement for a mixed-use building or project.
- d. Joint use parking facilities may be used to meet minimum parking requirements. The total number of spaces shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility. ~~This limit shall not apply to a multilevel parking garage that is used as a joint use facility.~~ Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning and Development Department as part of a building permit application or site plan review:
 - i. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - ii. The location and number of parking spaces that are being shared;
 - iii. An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and,
 - iv. A legal instrument such as an easement or deed restriction that guarantees access to the joint parking for all uses.
- e. Surface parking shall not be permitted between a building front and the street, except that angled, perpendicular, or parallel parking that is designed to function as on-street parking shall be permitted if it meets the following three ~~two~~ conditions:

- i. The City's Traffic Engineer determines that the parking does not adversely affect public safety or circulation and satisfies the conditions described in Section 22-175d of the City Code, and
- ii. Each parking space ~~The parking~~ is located adjacent to and is directly accessible from a public street or publically accessible private street.
- iii. Surface parking permitted between a building front and the street (on-street parking) and the required pedestrian walkway shall be either dedicated as public right-of-way or be included in a public access easement recorded in the real property records of the county. In these situations, the front yard setback shall be measured from the front of the parking space instead of the property line and the setback shall be no greater than 20 feet.
- f. Uses located in historically significant buildings shall be exempt from off-street parking requirements. For the purposes of this exemption, historically significant buildings shall include those determined by the Historic Preservation Officer to be eligible, based on the applicable criteria, for:
 - i. Listing in the National Register of Historic Places; or
 - ii. Local designation as either Historic and Cultural Landmark ("HC") or Highly Significant Endangered ("HSE").
- g. These requirements supersede the parking requirements of Section 6.201B. All other requirements of Chapter 6, Article 2 apply.

E. Landscaping and Buffers. The requirements of Chapter 6, Article 3 apply, with the following provisions.

1. Bufferyard and Supplemental Building Setback.

- a. For the purposes of this section, the High Intensity Greenfield Mixed-Use ("MU-2G") District shall be considered a nonresidential district.
- b. A bufferyard and supplemental building setback are not required between the boundary of a one- or two-family development within the High Intensity Greenfield Mixed-Use ("MU-2G") District and an adjacent one- or two-family district.
- c. All uses, other than one- or two-family adjacent to one- and two-family districts, shall conform to the supplemental building setback and bufferyard width standards required for the Neighborhood Commercial ("E") District, as described in Section 6.300C. Area Requirements. In addition, a transitional height plane of 45 degrees shall apply to portions of a building above 45 feet or 3 stories, whichever is less. Any portion of a building above 45 feet or 3 stories, whichever is less, shall be set back so that the building

does not encroach the transitional height plane; i.e., the portion of a building above 45 feet or 3 stories must be set back an additional foot for each additional foot in height. This standard is illustrated in Figure 4.1 below. These supplemental building setback and transitional height plane requirements shall not apply to buildings adjacent to one- or two-family districts that serve as public open space, such as parks and drainage ways.

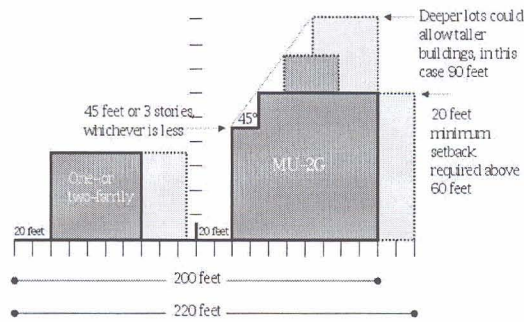


Figure 4.4 MU-2G Supplemental Building Setback and Transitional Height Plane (Popup full image)

2. **Enhanced Landscaping Point System Requirements.** Enhanced landscaping must earn a minimum of 30 points (20 points in single-family house and urban manor houses with two (2) units) that are awarded for providing and maintaining specific landscaping and design features. The points are accumulated as follows:

Enhanced Landscaping Point System – 30 points required (20 points in single-family houses and urban manor houses with two (2) units)		
<u>Feature</u>	<u>Requirement or example items</u>	<u>Points Awarded</u>
<u>Plaza</u>	5% of net land area. Plaza shall be continuous w/ minimum area not less than 1,000 sq ft. <i>If 5% of net land area is greater then 2,000 square feet, multiple plazas are permitted.</i>	<u>15</u>
<u>Playground</u>	5% of net land area w/ minimum area not less than 1000 sq ft	<u>15</u>
<u>Community garden</u>	1 pt for every 250 sq ft w/ minimum area not less than 1250 sq ft	<u>5-15</u>
<u>Arcades, structural awnings, galleries, balconies or other approved pedestrian shelter</u>	50% of façade facing primary street or 25 linear ft, whichever is greater. 4 ft minimum depth.	<u>10</u>

<u>Single family front porch</u>	<u>50% of façade facing primary street</u>	<u>10</u>
<u>Enhanced streetscaping</u>	<u>Each 50 ft segment of street frontage is required to have 2 streetscaping items. Items include but are not limited to benches, trash receptacles, bike racks, and planters using materials appropriate for the adjacent street and approved by the Transportation and Public Works Department.</u>	<u>10</u>
<u>Pedestrian-scaled lighting</u>	<u>1 light post every 60 ft of street frontage; style approved by the Transportation and Public Works Department and consistent with other pedestrian lights on the same block.</u>	<u>10</u>
<u>Programmed recreation area</u>	<u>3% of net land area. Programmed recreation areas include but are not limited to chess parks, bocce ball courts, and exercise/yoga facilities</u>	<u>10</u>
<u>Public art installation</u>	<u>As approved by the Planning and Development Director or designee. Public art installations include but are not limited to pieces of sculpture, murals, and water features planned and executed with the specific intention of being sited or staged in the physical public domain, outside and accessible to all. Materials used are durable and resistant to graffiti and weather.</u>	<u>10</u>
<u>Street trees</u>	<u>Required spacing:</u> <ul style="list-style-type: none"> <u>Small/Medium Canopy 25 – 30 ft</u> <u>Large Canopy 35 – 40 ft</u> 	<u>10</u>
<u>Window awnings, shallow door canopies, or other façade features that are not intended to provide pedestrian shelter (less than 4 ft in depth)</u>	<u>25% of façade facing primary street or 15 linear ft, whichever is greater. Multiple features (i.e. awnings) may add up to the required amount.</u>	<u>5</u>
<u>Programmed sitting area/public outdoor dining area</u>	<u>Minimum 15 seats</u>	<u>5</u>
<u>Proximity to a public park</u>	<u>Within 500 ft</u>	<u>5</u>
<u>Sustainable landscaping</u>	<u>Xeriscaping, on-site stormwater management, rain gardens, bio-swales, etc.</u>	<u>5</u>
<u>Rooftop terrace</u>	<u>Minimum 200 sq ft</u>	<u>5</u>
<u>Paved walkway</u>	<u>1 pt for every additional foot of sidewalk width</u>	<u>1-11</u>

<u>enhancement</u>	<u>over the City standard (up to a 15 ft wide sidewalk total)</u>	
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- a. Points shall be awarded only once for each feature category, per project.
- b. Submittal of Landscape Plan. The location and description of decorative paving, sidewalk furniture or other decorative elements, if any, shall be indicated on the landscape plan.
- c. Landscape area required. When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level encroachments. This front yard landscaping must adhere to the tree and shrub planting requirements of Section 6.301H as well as other applicable landscaping requirements described or referenced within the MU-2G regulations. Street trees planted in the parkway abutting the property may be credited towards the tree planting requirement described in Section 6.301H if the property owner assumes responsibility for their maintenance through formal agreement with the Parks and Community Services Department. This credit is applicable to properties with or without required front yard landscaping. Multifamily and mixed-use developments shall conform to the requirements of commercial and institutional uses in Section 6.301H. Section 6.301.H "Landscape Area Required" does not apply to developments in the MU-2G district; except
 - i. All landscaped areas shall be located outside the perimeter of the footprint of a building or structure; protected by wheel stops, curbs or other physical barriers where adjacent to vehicle use areas; and be covered with grass, organic mulch or low maintenance groundcover. (Section 6.301.H.1.b)
 - ii. Landscaped bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil. (Section 6.301.H.2.b)
 - iii. When there is a front yard setback of at least five feet, front yard landscaping is required for areas outside of ground level patios, parkways and pedestrian walkways. Front yard landscaping must adhere to the shrub and native plants as listed in Table 6.8, Table A of Section 6.301.H. as well as other applicable regulations described or referenced within the MU-2G regulations.
- d. Irrigation. An irrigation system shall not be required if the landscape plan demonstrates that use of drought resistant plants does not require irrigation. Trees shall require an irrigation system, regardless of species, and the irrigation system may be provided entirely within the property boundary. An irrigation system shall be installed to provide total water coverage to all plant materials installed pursuant to Section 6.301.I "Irrigation".
- e. Miscellaneous Requirements. Section 6.301J.3 and 6.301J.4 shall not apply. In addition to required trees and shrubs, all of the required landscape area must be covered with grass, organic mulch, live

groundcover, decorative paving, sidewalk furniture or other decorative elements.

- f. ~~Exemptions from Landscape Requirements. Section 6.301G shall not apply. Construction and expansion of multifamily and mixed uses developments within the MU 2G districts are not subject to the Unified Residential Development provisions set forth in Section 6.506, except for 6.506H, but are subject to the landscaping requirements described and/or referenced within the MU 2G regulations, which include provisions of the landscape ordinance.~~

3. Landscaping in Parking and Driveway Areas.

- a. Landscape islands, linear landscaping strips, bio swales, or rain gardens shall be required in parking lots with 12 or more parking spaces. All landscape islands and strips shall have at least one tree. Landscape islands shall be required in parking lots with 12 or more parking spaces. The total area of landscape islands shall equal at a minimum 5 square feet per parking space.
- b. Every parking space is required to be not more than 60 feet from a medium or large canopy tree planted within a median, strip or island measured from the trunk at planting.
- c. Required size of landscape islands and linear landscaping strips containing trees:
 - i. Within parking lots with non-porous surfaces: 130 square feet; 8 feet minimum width
 - ii. Planted in Structural Soil: 64 square feet; 8 feet minimum width. The use of an approved structural soil shall be limited to landscape islands and adjacent walkways and parking areas necessary for proper tree growth. Structural soils shall not be used for fire lanes in parking lots.
 - iii. Within parking lots with approved porous surfaces for parking areas excluding fire lanes: 16 square feet. Tree trunks should be protected by wheel stops or other physical barriers excluding curbs.
 - iv. Linear landscaping strips are encouraged in lieu of landscaping islands where possible.
- d. Parking lots shall be screened from the public right-of-way with landscaping, berms, fences or walls 36 to 42 inches in height.
- e. Driveways that are located adjacent and parallel to a public street shall be screened from the public right-of-way with landscaping, berms, fences, or walls 36 to 42 inches in height.

- F. **Facade Design Standards for New Construction.** Projects that clearly conform to all façade design standards may be approved administratively by the Planning and Development Director or designee. A waiver from the façade design standards may be granted by the Urban Design Commission (UDC) in accordance with the applicable development principles and standards. ~~Statement of Intent~~

~~The following design standards are intended to encourage new buildings that complement neighborhood character, add visual interest, and support a pedestrian-oriented environment. The standards are not intended to encourage architectural uniformity or the imitation of older buildings.~~

Large Retail Stores – Large retail stores greater than 50,000 square feet are exempt from the regulations of this section 8 “Façade Design Standards for New Construction,” but shall conform to the design standards for large retail stores listed in section 5.134 of the zoning ordinance.

1. **Required drawings.** To illustrate compliance with the following standards, elevation drawings shall be submitted to the Planning and Development Department for those building facades that are oriented to:
 - a. Public streets;
 - b. Private streets and walkways that are publicly accessible through a public use easement; or
 - c. Publicly accessible open space.
2. **Facade variation.**
 - a. **Scaling Elements:** Each new building facade oriented to a publicly accessible street or open space shall at a minimum incorporate three or more of the following four scaling elements for building facades greater than 50 feet in width, and at least two of the following scaling elements for building facades less than 50 feet in width:
 - i. Expression of building structural elements such as:
 - a) Floors (banding, belt courses, etc. not less than one inch deep and four inches wide),
 - b) Columns (pilasters, piers, quoins, etc. not less than four inches deep and six inches wide), or
 - c) Foundation (water tables, rustication);
 - ii. Variation in wall plane (not less than four inches) through the use of projecting and recessed elements. Such elements could include patterns of door and window openings (and the use of sills, mullions, and other scale providing window elements), and/or more pronounced architectural features, such as porches, alcoves, and roof dormers;
 - iii. Changes in material or material pattern. Each change of material shall involve a minimum one-inch variation in wall plane; and
 - iv. Noticeable changes in color or shade.
 - b. New buildings facades oriented to a publicly accessible street or open space shall include differentiation between the first or second level and the upper levels with a cornice, canopy, balcony, arcade, or other architectural feature.
 - c. If a project consists of more than one block face, each sequential block of new construction shall contain a different building facade to encourage

architectural variety within large projects, using the required architectural elements listed in Section a.i above and/or other architectural features.

- d. New multifamily residential building facades oriented to a publicly accessible street or open space shall include at least two variations in wall plane per 100 linear feet of street frontage. Variations shall be not less than three feet in depth or projection and not less than two stories in height for multi-story buildings.

3. **Fenestration:** ~~New commercial building facades fronting on publicly accessible streets or open space shall be not less than 40 percent or more than 90 percent clear glazing.~~ New single use commercial and mixed-use building facades fronting on publicly accessible streets or open space shall meet the following requirements:

<u>Fenestration Requirement</u>			
<u>Project Type</u>		<u>Primary Street</u>	<u>Side Street</u>
<u>Mixed-Use</u>			
	<u>Ground Story from 2 feet to 12 feet above grade</u>	<u>60 percent</u>	<u>40 percent</u>
	<u>Upper Stories</u>	<u>25 percent</u>	<u>25 percent</u>
<u>Commercial</u>			
	<u>Ground Story from 2 feet to 12 feet above grade</u>	<u>60 percent</u>	<u>40 percent</u>
	<u>Upper Stories</u>	<u>25 percent</u>	<u>25 percent</u>
<u>Residential</u>		<u>None</u>	<u>None</u>

- a. Clear glazing must have a visible transmittance rating of 0.5 or greater to count towards the fenestration requirement
- b. Fenestration alternatives: The following alternatives may count towards meeting the fenestration requirement and can be used in singular or in combination. If used in combination, they may count no more then 70 percent of the fenestration requirements:

<u>Fenestration Alternatives</u>	
<u>Alternative</u>	<u>Percent towards requirement</u>
<u>Windows at the ground story but outside the 2 – 12 feet zone</u>	<u>40 percent</u>
<u>Wall mounted or recessed display cases at least 4 feet high</u>	<u>40 percent</u>
<u>Walk-up automated teller machines, video rental or similar kiosk</u>	<u>40 percent</u>
<u>Green screen system, planter walls, or similar vegetation</u>	<u>40 percent</u>
<u>Translucent, fritted, patterned, or colored glazing</u>	<u>40 percent</u>
<u>Outdoor dining/seating located between the building and street</u>	<u>60 percent</u>

4. **Building materials.** Not less than 70 percent of all new building facades (not including door and window areas) facing publicly accessible streets or open space shall be constructed of the following masonry materials: stone, brick, terra cotta, patterned pre-cast concrete, cement plaster stucco, cement board siding, cast stone or prefabricated brick panels.
5. **Building entries.**
 - b. Building entrances shall incorporate arcades, roofs, porches, alcoves or awnings that protect pedestrians from the sun and rain.
 - c. Primary entrances shall be provided at intervals not to exceed 125 linear feet of street-oriented residential building frontage.
 - d. Townhouses and other similar street level dwelling units within multi-unit structures shall have individual street-oriented entries for each unit.
 - e. Manor Houses shall have a single primary entrance provided however, that a Manor House with two dwelling units (duplex) may have one primary entrance for each unit. Each primary entrance must be provided under a shared porch or one of the entrances must be accessed from a side façade of the structure.
6. **Parking Structure Façade Standards**
 - a. Buildings shall not have exposed structured parking at the ground floor level.
 - b. A parking structure facade that faces a public street shall be designed to incorporate contextual architectural elements that complement adjacent buildings or buildings in the area.
 - c. Parking structure openings shall not exceed 50 percent of the total ground floor façade.
8. **Metal Buildings.** The exterior metal building walls of the front and any sides of a building facing a public street that will be constructed with metal cladding as the primary siding material shall not be constructed with exposed fasteners on more than fifty (50%) percent of the building. All buildings with metal siding shall have at least two exterior architectural features for articulation, such as front porches, gables, awnings, or other exterior siding materials. Exterior metal siding shall not be considered an architectural feature. These provisions shall not apply to large Retail Stores. (Ord. No. 18904, Eff. 11/10/09)

G. Other

Development

Standards

Development in the High Intensity Greenfield Mixed-Use (“MU-2G”) District shall be subject to the pertinent development standards in Chapter 6, and the following provisions:

1. **Signs.** See Chapter 6, Article 4 for the requirements and the following provision:
 - a. In addition to signs allowed in Chapter 6, Article 4, one or more attached project identifier or wayfinding signs may be erected on each facade of the occupied space. The signs may have a total area of 10% of the area of the facade to which the signs are attached, with a maximum aggregate area of 500 square feet per facade. Doors and windows shall be included in the calculation of the facade area. The facade area shall be calculated by multiplying the width times the height, with a maximum calculated height of 15 feet. For structures exceeding 15 feet in height, allowable sign square footage shall be calculated as .75 square feet per linear foot of building facade.
2. **Residential Design Standards.** Multifamily developments are exempt from the requirements of Section 6.506. “Unified Residential Development”.
 - ~~b. For townhouses and other one and two family residential development, the “MU 2G” property development standards of Section 4.1002.C. shall apply, with the exception of maximum residential units per acre and maximum height. For townhouses and other one and two family development, the maximum residential units per acre shall be 24, and the maximum building height shall be 45 feet or 3 stories, whichever is less.~~
 - ~~c. Multifamily development and mixed-use projects are exempt from the requirements of Section 6.506 Unified Residential Development except Section 6.506H, which lists spacing requirements for projects consisting of multiple buildings. Section 6.506H shall apply to all multifamily development and to mixed-use projects in which the residential uses constitute greater than 90 percent of gross floor area.~~
 - ~~d. The following requirements are applicable to open space in multifamily developments and mixed-use projects in which the residential uses constitute greater than 90 percent of gross floor area:
 - ~~i. Rooftop terraces and other common spaces may be included as part of the required open space.~~
 - ~~ii. No space or area less than 6 feet in any dimension shall be counted as open space.~~~~
3. **Outdoor Storage or Display.** Outdoor storage or display requirements for the Neighborhood Commercial (“E”) District shall apply to the High Intensity Greenfield Mixed-Use (“MU-2G”) District.
4. **Entrances.** In order to create a pedestrian-oriented environment in which buildings are oriented toward publicly accessible streets and sidewalks, a principal building must have its main entrance from a public sidewalk or

plaza, or from a private sidewalk or plaza that is publicly accessible through a public use easement. The main entrance shall not be from a parking lot. Secondary entrances from parking lots are permitted. Interior buildings constructed as part of a campus development are exempt from these requirements.

5. **Fences and Gates.** In order to promote pedestrian-oriented developments, exterior security fences and gates that are located along public streets, along private streets or walkways that are publicly accessible through a public use easement, or along publicly accessible open space shall not extend beyond building facades; i.e., these fences shall not be located in the area between building facades and the property line. Fences not exceeding 4 feet in height, however, may extend beyond the building façade of attached or detached single family house or townhouse developments in mixed-use zoning districts (see '5.305 Fences' B.2. for fence development standards).
6. **Development Standards Applicable to Privately Owned Streets and Drives with Public Access Easements.** Private streets and drives with public access easements shall be considered public streets or rights-of-way for the purposes of review for compliance with setbacks, parking, screening, façade variations, fenestration, and any other MU-2G design requirement normally based on streets.

H. Administrative Review Requirements

1. Conceptual Land Use Plan. Developers of projects equal to or larger than 3 acres in size shall submit a conceptual land use plan for approval by the Planning and Development Director. The conceptual land use plan must be approved before a building permit application is accepted by the Planning and Development Department. The Planning and Development Director may require a conceptual land use plan for a project smaller than 3 acres if the project is part of a development equal to or larger than 3 acres in size.
 - a. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:
 - One- or two-family residential,
 - Multifamily residential,
 - Commercial,
 - Institutional,
 - Mixed-use buildings (a mix of residential and non-residential within the same building, meeting the percentage requirements defined in Section 4.1002.C.75.b), or
 - Public park.
Parking facilities and private open spaces shall be classified the same as the primary land use they serve.
 - b. Project Test - The conceptual land use plan shall show that the proposed project includes uses within at least two of the land use categories, One-family detached residential shall not exceed 50

percent of the total land area, and that no land use category other than mixed-use buildings occupies greater than 70 percent of the total land area.

The land use area percentages shall be calculated using property information obtained from the applicable tax appraisal district. If a development does not comply with this test, then the vicinity test described below shall apply.

c. Vicinity Test - Developments in which a single land use other than mixed-use buildings exceeds 70 percent of the site's total land area are permitted if:

- i. The Planning and Development Director determines that the following conditions are satisfied:
 - a. The proposed land use at any location within the proposed development site must be within a walking distance of 1,000 feet of a different land use, as measured by the shortest pedestrian route, and
 - b. The percentage of any single land use category other than mixed-use buildings within a 1,000-foot radius of any location within the proposed development site shall not be greater than 70 percent of the land area within the radius. The proposed development shall be included in the calculation of this percentage. Undeveloped or agricultural property located within the radius shall not be included in the calculation.
 - c. Once a project, or portion of a project, is constructed or partially constructed in accordance with the approved Conceptual Land Use Plan, this Vicinity Test shall not create legal non-conforming status nor prevent the restoration of a building or buildings destroyed by fire, explosion or other casualty, or act of God, or the public enemy, nor prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. Subsequent development within the 1,000 ft. radius described in Section b. above shall not affect the approved conceptual land use plan and shall not create legal non-conforming status. Or
- ii. The Planning and Development Director determines that the developer has demonstrated that unique site conditions (e.g. adjacency to natural features, highways, freight yards, etc.) make compliance with the conditions of section i. above impractical in certain areas of the development site.

2. **Conceptual Site Plan.** In order to facilitate compliance with the mixed-use zoning standards, developers shall submit a conceptual site plan to the Planning and Development Department for administrative review prior to

submittal of permit applications for new construction projects. The site plan shall show the anticipated location of proposed streets, sidewalks and walkways, building footprints, parking areas, landscaped areas and features, and open space.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each

offense. Each day that a violation exists shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 7.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

ADOPTED: _____

EFFECTIVE: _____

(ZC-10-150A Continued)

It appeared that the City Council, at its meeting of December 7, 2010, Continued Zoning Docket No. ZC-10-150A, City of Fort Worth Planning & Development, 5221 & 5401 East Lancaster Avenue; from "F" General Commercial to "E" Neighborhood Commercial.

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

Motion: Council Member Burns made a motion, seconded by Council Member Zimmerman that Zoning Docket No. ZC-10-150A be continued until February 15, 2011. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Hicks absent.

2. Zoning Docket No. ZC-10-180A - City of Fort Worth Planning & Development, 401 Ridgeview Circle; from: "AG" Agricultural to: "FR" General Commercial Restricted (Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council, at its meeting of January 4, 2011, Continued Zoning Docket No. ZC-10-180A, City of Fort Worth Planning & Development, 401 Ridgeview Circle; from "AG" Agricultural to "FR" General Commercial Restricted.

Council Member Espino made the following amendment to the proposed zoning for 401 Ridgeview Circle to mitigate the traffic and aesthetics:

"PD" for "ER" uses with the following conditions;

No lighted signs allowed,

No additional signs allowed,

No access along the northern property line from Ridgeview Circle to the area west of the main structure,

Minimum 6-foot fence behind the main structure, and

Landscaping required around the eastern parking lots.

Motion: Council Member Espino made a motion, seconded by Council Member Moss that Zoning Docket No. ZC-10-180A be approved as amended. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Hicks absent.

3. Zoning Docket No. ZC-10-183 - City of Fort Worth Planning and Development: Text Amendment, Mixed Use Districts Amendment: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth to Amend: ZC-10-183A. Article 9 "Residential Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.902, "Low Intensity Mixed-Use" (MU-1) District and

(ZC-10-183 Continued)

establish Development Standards for the district; amending Chapter 9 to add definitions related to Low Intensity Mixed-Use District(MU1);

ZC-10-183B. Article 9 "Residential Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.903, "Low Intensity Greenfield Mixed-Use" (MU-1G) District and establish Development Standards for the District; Amending Chapter 9 to add definitions related to Low Intensity Greenfield Mixed-Use District (MU1-G);

ZC-10-183C. Article 10 "Industrial Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.1001, "High Intensity Mixed-Use" (MU-2) District and establish Development Standards for the District (MU2);

ZC-10-183D. Article 10 "Industrial Districts", of Chapter 4, "District Regulations" to amend a Mixed-Use Zoning District, Section 4.1002, "High Intensity Greenfield Mixed-Use" (MU-2G) District and establish Development Standards for the District (MU2-G);(Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council at its meeting of December 7, 2010, Continued Zoning Docket ZC-10-183, City of Fort Worth Planning and Development: Text Amendment, Mixed Use Districts Amendment: An Ordinance Amending the Zoning Ordinance of the City of Fort Worth, Being Ordinance No. 13896, as Amended, Codified as Appendix "A" of the Code of the City of Fort Worth to Amend:

ZC-10-183A. Article 9 "Residential Districts", of Chapter 4, "District Regulations" to Amend a Mixed-Use Zoning District, Section 4.902, "Low Intensity Mixed-Use" (MU-1) District and Establish Development Standards for the District; Amending Chapter 9 to Add Definitions Related to Low Intensity Mixed-Use District(MU1);

ZC-10-183B. Article 9 "Residential Districts", of Chapter 4, "District Regulations" to Amend a Mixed-Use Zoning District, Section 4.903, "Low Intensity Greenfield Mixed-Use" (MU-1G) District and Establish Development Standards for the District; Amending Chapter 9 to Add Definitions Related to Low Intensity Greenfield Mixed-Use District (MU1-G);

ZC-10-183C. Article 10 "Industrial Districts", of Chapter 4, "District Regulations" to Amend a Mixed-Use Zoning District, Section 4.1001, "High Intensity Mixed-Use" (MU-2) District and Establish Development Standards for the District (MU2);

ZC-10-183D. Article 10 "Industrial Districts", of Chapter 4, "District Regulations" to Amend a Mixed-Use Zoning District, Section 4.1002, "High Intensity Greenfield Mixed-Use" (MU-2G) District and Establish Development Standards for the District (MU2-G).

Ms. Tolli Thomas, 5341 Wooten Drive, completed a speaker card in opposition to Zoning Docket No. ZC-10-183A-D but did not wish to address the Council.

(ZC-10-183 Continued)

Motion: Council Member Burdette made a motion, seconded by Council Member Espino that Zoning Docket No. ZC-10-183 be continued until the March 1, 2011, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Hicks absent.

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on January 17, 2011.

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

4. Zoning Docket No. ZC-10-186 - SAI Business Associates, Inc., 7020 West Vickery Boulevard; from: "E" Neighborhood Commercial to: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus mini-warehouse; site plan included. (Recommended for Approval)

Motion: Council Member Zimmerman made a motion, seconded by Council Member Espino that Zoning Docket No. ZC-10-186 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Hicks absent.

5. Zoning Docket No. ZC-10-190 - City of Fort Worth Planning & Development: Map & Text Amendment: from: Multiple Zoning Districts to: Add IH 35N Design Standards; An Ordinance Amending the Comprehensive Zoning Ordinance of the City of Fort Worth, being Ordinance Number 13896, codified as Appendix "A" of the Code of the City of Fort Worth (1986) to Amend: Article 12 "Urban Design Districts", of Chapter 4, "District Regulations" to add a new section, Section 4.1300 "I-35W Design ("I35W") Overlay District, providing for Design Standards and Guidelines for New Construction in the I35W Design Overlay District, and; To require a Certificate of Appropriateness for New Construction in the I35W Design Overlay District, and; to provide for Administrative Approval of Certificate of Appropriateness under certain circumstances, and; to provide an Appeal Process. (Recommended for Approval)

Mr. Robert Folzenlogen, 13600 Heritage Parkway, completed a speaker card in support of Zoning Docket No. ZC-10-190 but did not wish to address the Council.

There being no one present desiring to be heard in connection with the Text Amendment, Mayor Pro tem Scarth made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-10-190 be approved with appreciation to the I-35 Corridor Coalition, all of the business and property owners along I-35 and City staff and the following ordinance be adopted:



Case Number ZC-11-017

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 1, 2011

Council District 5

Zoning Commission Recommendation:

Approved by a vote of 9-0

Opposition: None

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Lynn Jordan</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Owner / Applicant: Fort Worth Area Habitat for Humanity, Inc.

Site Location: 3609 Garrett Street Mapsco: 54Y

Proposed Use: Single-Family

Request: From: "AG" Agricultural

To: "A-5" One-Family

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Background:

The applicant is proposing a zoning change from "AG" Agricultural to "A-5" One-family. The property is being sub-divided into two residential lots. A home being constructed at the Superbowl will be moved to this site once the house and the Superbowl are complete.

This case will be heard by City Council on March 1, 2011 in order for the property to be legally zoned when the house is ready to be moved.

Site Information:

Owner: Fort Worth Area Habitat for Humanity
3345 S. Jones Street
Fort Worth, TX 76110

Agent: Michelle Kennedy
Acreage: 0.31 acres
Comprehensive Plan Sector: Eastside

Surrounding Zoning and Land Uses:

North "A-5" One-Family / single-family
East "A-5" One-Family / single-family
South "A-5" One-Family / single-family
West "AG" Agricultural / vacant and single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-03-133 various properties rezoned from AG to A-5 approved by Council 6-10-03.

Platting History: FS-010-136 Mosier Valley Addition, Block 3, Lots 9A & 9B recorded 01/07/11

Public Notification:

The following Neighborhood Associations were notified:

Mosier Valley CAC, Inc.
Eastside Sector Alliance

Hurst Euless-Bedford ISD

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zone change from "AG" Agricultural to "A-5" One-Family for single-family infill development. Surrounding land uses include single-family to the north, south and east, and vacant lots to the west.

Based on surrounding land uses, the proposed zoning **is compatible** at this location.

2. **Comprehensive Plan Consistency**

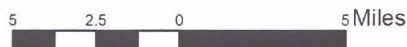
The 2010 Comprehensive Plan designates the site as single-family. The proposed zoning is consistent with the following Comprehensive Plan policies.

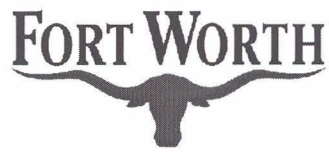
- Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods. (pg. 39)

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

Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph



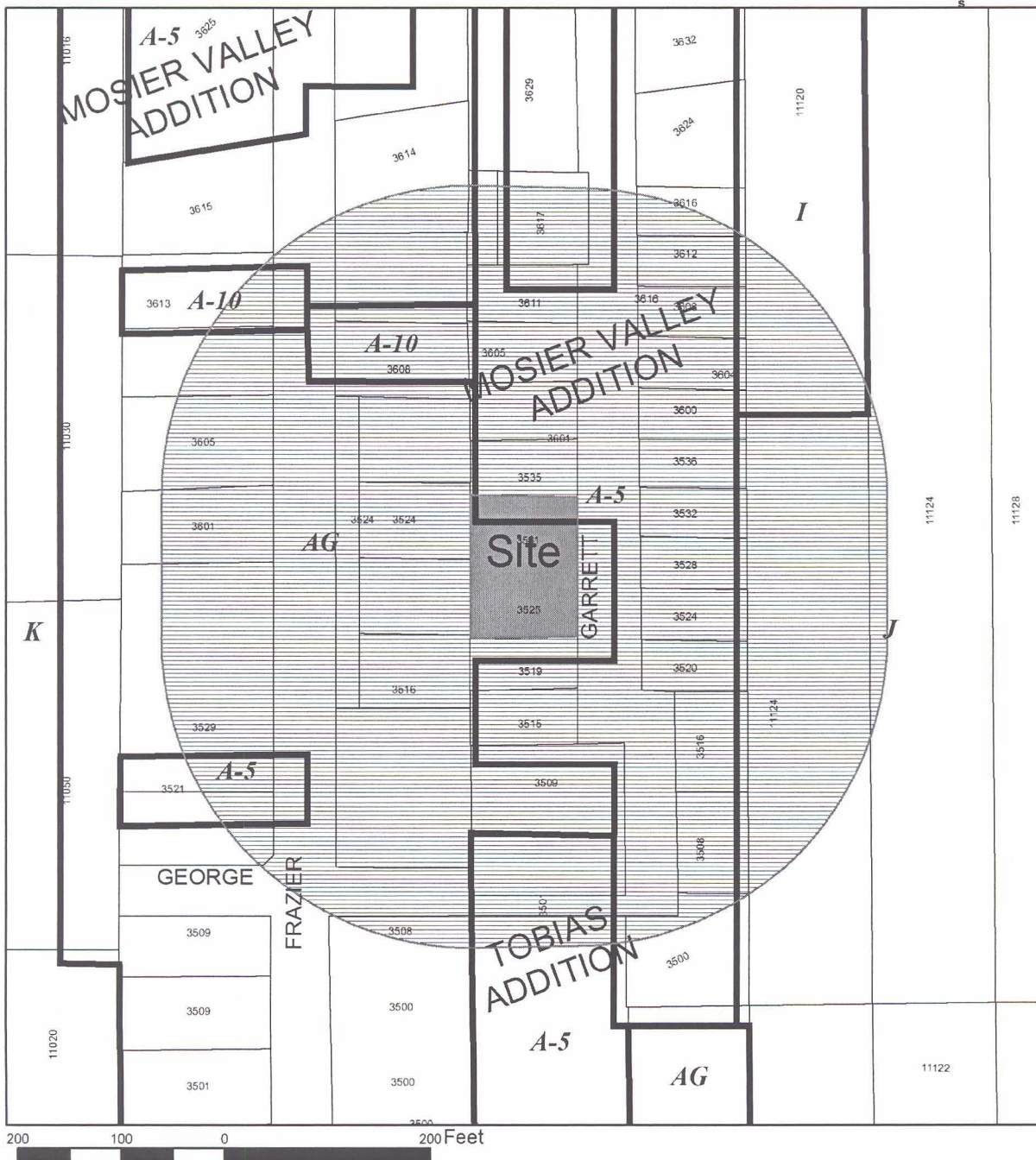


ZC-11-017

Area Zoning Map

Applicant: FW Area Habitat for Humanity
Address: 3609 Garrett Street
Zoning From: AG, A-5
Zoning To: A-5
Acres: 0.33
Mapsc0: 54Y
Sector/District: Eastside
Commission Date: 02/09/2011
Contact: 817-392-2495

 300 Ft. Notification Buffer





ZC-11-017

Aerial Photo Map






MEMORANDUM

DATE: FEBRUARY 24, 2011

TO: THE HONORABLE MAYOR MONCRIEF AND MEMBERS OF THE CITY COUNCIL

FROM: HORATIO PORTER, BUDGET OFFICER 

SUBJECT: FY2011 GENERAL FUND SUPPLEMENTAL APPROPRIATION

This memo is in response to Staff Action Tracking from the February 15, 2011, City Council meeting regarding FY2011 supplemental appropriations and their impact on the fund balance.

As of December 31st, 2010, \$15,250,000 was appropriated from the General Fund excess fund balance to provide the following supplemental appropriations:

- M&C G-17117 transfer of \$5,000,000 for fiscal year 2010 to the Public Agencies Retirement Services for retiree health care. These funds were originally appropriated in the FY2010 budget however it was recommended to make the contribution in FY2011;
- M&C G-17125 payment of \$145,000 for legal matters concerning premature street failures;
- M&C G-17126 payment of \$45,000 for various matters concerning the Water Department and the Transportation and Public Works Department (TPW) contracts;
- M&C G-17127 payment of \$45,000 for legal matters concerning premature street failures;
- M&C G-17128 payment of \$15,000 for legal matters concerning premature street failures;
- M&C G-17155 transfer \$10,000,000 to Capital Projects Reserve Fund for funding high-priority capital projects. The transfer comes from the excess General Fund fund balance.

Additionally, as of the February 15th council meeting, the following supplemental appropriations totaling \$2,164,923 were approved by City Council:

CITY MANAGER'S OFFICE
Budget and Research Division

- M&C C-24677 payment of \$1,846,935 to support the PeopleSoft System for Human Resources and payroll;
- M&C G-17190 payment of \$317,988 to maintain the jail contract.

Below is the chart recapping the impact of the supplemental appropriation on the excess fund balance of the General Fund:

**City of Fort Worth
Estimated Excess Fund Balance (000's)
As of February 15, 2011**

Estimated Excess Fund Balance as of 9/30/2010	\$ 35,717
FY2011 Adopted Budget Gap	(9,018)
Supplemental Appropriation through 12/31/2010	(15,250)
FY2011 Budget Shortfall	<u>(216)</u>
Revised Excess	11,233
Additional Supplemental Appropriation through 2/15/2011	<u>(2,165)</u>
Current Estimate of Fund Balance	<u><u>\$ 9,068</u></u>

Please contact Horatio Porter at 817-392-2379 with any questions.

**CITY MANAGER'S OFFICE
Budget and Research Division**



FORT WORTH



S.M.A.R.T. Report

**Street Management And Road Traffic
Transportation and Public Works
February 18 — March 3**



CENTRAL BUSINESS DISTRICT STREET CLOSURES (Partial)

7TH Street Bridge Utility Relocations

- Forest Park from 10TH to 5TH
Multiple lane closures from August 30, 2010 through **Mar 14, 2011**
- 5TH from Forest Park to Penn
Multiple lane closures from August 30, 2010 through **Mar 14, 2011**

Removal of Tarrant County Angels

- N Houston Street (between Belknap and Weatherford) parking lane and **sidewalk closed through March 2**

North Main Street Bridge Rehabilitation—TxDOT Project

- Main (from Belknap to NE 5th St, lane closures **until August 2011**)

New Tarrant County Jail

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

St Patrick's Cathedral New Hall

- Throckmorton (from W 12th to W 13th) Parking Lane closures through **June 2011**
- W 12th (from Throckmorton to Jennings) Parking Lane closures through **June 2011**
- Texas (from W 13th to Jennings) Parking Lane closures through **June 2011**
- W 13th (from Texas to Throckmorton) Parking lane closures through **June 2011**

Tarrant County College Construction

- Belknap (from Commerce to Pecan St) Sidewalk closures through **February 2011**
- Weatherford (from Commerce to Calhoun) lane and sidewalk closures through **February 2011**
- Calhoun (from Belknap to Weatherford) parking lane and sidewalk closures through **February 2011**
- N Commerce (from Belknap to Weatherford) lane and sidewalk closures through **February 2011**

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

- ** Belknap (between Commerce and Pecan)
- ** Weatherford (between Houston and Pecan)
- ** Calhoun (between Belknap and Weatherford)

For detailed information on TxDOT closures:
http://www.dot.state.tx.us/travel/road_conditions.htm

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

New items printed in red.

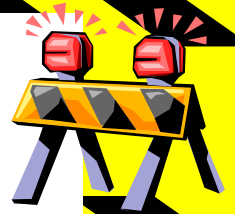


FORT WORTH



S.M.A.R.T. Report

**Street Management And Road Traffic
Transportation and Public Works
February 18— March 3**



Special Events

Festivals * Runs * Walks

CULTURAL DISTRICT

- Cowtown Marathon—2011 is a Two-day Event

Feb 26 & 27 Start and Finish at Will Rogers Memorial Center
Street Closures: Begin 2/25/2011 at 4 p.m. and end 2/27/2011 at 4 p.m.

Harley from University to Gendy

Burnett Tandy from Gendy to W. R. Watt

Rip Johnson from Will Rogers to Harley

W. R. Watt from Harley to Burnett Tandy

For course maps visit www.cowtownmarathon.org

DOWTOWN OUTDOOR EVENTS DISTRICT

NEAR SOUTHSIDE OUTDOOR EVENTS DISTRICT

STOCKYARDS OUTDOOR EVENTS DISTRICT

OTHER

Parades

CULTURAL DISTRICT

DOWNTOWN OUTDOOR EVENTS DISTRICT

NEAR SOUTHSIDE OUTDOOR EVENTS DISTRICT

STOCKYARDS OUTDOOR EVENTS DISTRICT

OTHER

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

New items printed in red.