

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
OCTOBER 13, 2009**

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**Present**

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

**Staff Present**

Dale Fisseler, City Manager  
David Yett, City Attorney  
Marty Hendrix, City Secretary

**I. CALL TO ORDER**

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 7:03 p.m. on Tuesday, October 13, 2009, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**II. [INVOCATION - Farooq Selod, Islamic Association of Tarrant County](#)**

The invocation was provided by Dr. Farooq Selod, Islamic Association of Tarrant County.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. [CONSIDERATION OF MINUTES OF REGULAR MEETING OF OCTOBER 6, 2009](#)**

Motion: Council Member Hicks made a motion, seconded by Mayor Pro tem Scarth, that the minutes of regular meeting of October 6, 2009, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.**

**1. Presentation of Proclamation for HopeLine Domestic Violence Awareness Month**

Council Member Hicks presented a Proclamation for HopeLine Domestic Violence Awareness Month to Mr. Blake Pumphrey, Associate Director of Government Sales, Verizon Wireless, Central Texas Region. She stated that since the launch of the Verizon Wireless HopeLine Program more than six (6) million phones had been collected nationally and of those six (6) million phones, 76,000 phones had been distributed with more than 228 million minutes of free wireless service to provide a lifeline to survivors of domestic violence in the communities it served. She further stated that the HopeLine Program had awarded more than seven (7) million dollars in cash to organizations across the country including SafeHaven of Tarrant County who worked tirelessly to prevent and end domestic violence in the community.

Mr. Pumphrey expressed appreciation to the Council for their continued support of the program and the fight to end domestic violence.

Mayor Moncrief stated that domestic violence was a crime of silence and much too often the call for help was received too late. He advised that the shelters in Fort Worth had reached their capacity and commended the volunteers committed to domestic violence assistance and prevention. He encouraged the audience and viewers to donate their used working cell phones in order to prevent and end domestic violence in the community.

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

**1. Upcoming and Recent Events**

Council Member Scarth announced that a Crime Control and Prevention District (CCPD) Information Meeting would be held on October 22, 2009, at 6:30 p.m. at the Pantego Bible Church, located at 8001 Anderson Boulevard. He added that the topic of discussion would be the upcoming November 3, 2009, CCPD Election.

Council Member Hicks requested that Item Ten (10) Presentations and/or Communications from Boards, Commissions, and/or City Council Committees: Fort Worth Commission on Women, be presented at this time. She also advised that the Commission focused on two (2) issues in the past year that continued to plague the community: domestic violence and infant mortality.

(Please see additional Council Member Announcements after Item 10.)

**2. Recognition of Citizens**

No citizens were recognized at this time.

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

**1. Fort Worth Commission for Women**

Ms. Marcy Paul, Chair of the Commission for Women, 3411 Autumn Drive, appeared before Council and provided a Powerpoint presentation of the Commission's Annual Report. She expressed appreciation to Police Chief Jeff Halstead for his efforts in establishing a Domestic Violence Unit.

**(Announcements by Council Members and Staff - Continued)**

Council Member Hicks announced that she attended the new Crime Lab Groundbreaking Ceremony that was held on this morning and stated that the new Crime Lab would not have been possible without CCPD funds. She added that the Stripling Cox Building was empty for many years and that this would continue the revitalization efforts along the Lancaster Avenue corridor and added a Police presence in the area.

Council Member Zimmerman announced that he attended the West Hills Elementary School Class Officers' Induction Ceremony on October 8, 2009, and expressed appreciation to school staff for the invitation. He also announced that a rally and walk was held on October 13, 2009, to commemorate the historic White Cane Day, which celebrated the independence of residents in the community who were blind or visually impaired. He added that for the estimated 6,000 residents of Fort Worth and Tarrant County who were blind or had significant vision loss, this was considered to be "Independence Day" symbolized by the white cane and dog guide that assisted many people with safe travel and mobility. He further stated that the long white cane and dog guide also represented its owner's ability to live independently and contribute to the life of our community.

Council Member Jordan expressed appreciation to Ms. Sandy Runnels, District 6 appointee on the Fort Worth Commission for Women, for her continued outstanding service to the Commission and the City. He also announced the CCPD Election would be held on November 3, 2009, and Early Voting would begin on October 19, 2009. He added that the election would allow for critical funding for the public safety of the citizens.

Mayor Moncrief reiterated the importance of the CCPD Election and encouraged audience members and viewers to mark their calendars for Election Day, November 3, 2009, and reiterated that Early Voting would begin on October 19, 2009. He stated the CCPD supported many different public safety programs and pointed out that the CCPD funding had reduced crime by 32 percent since 1994.

Council Member Burns announced that a Joint District 8 and 9 CCPD Information Meeting would be held on October 21, 2009, at 6:00 p.m. at the John Peter Smith Skills Lab, Outpatient Building, located at 1500 South Main Street.

**(VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF Continued)**

Council Member Espino reminded everyone that the City was in the middle of Hispanic Heritage Month which ran from September 15, 2009, to October 15, 2009. He expressed appreciation to the Fort Worth Hispanic Chamber of Commerce and the volunteers for the wonderful MusicArte Fort Worth event held in Sundance Square. He also announced that the United Hispanic Council would hold their Annual Hispanic Heritage Awards on October 17, 2009, at 7:00 p.m. at the Tarrant County College Trinity River Campus. He noted that on October 13, 2009, he attended the Oak Hurst Citizens on Patrol Lunch and Dinner in appreciation of the Police and Fire Fighters. He added that Citizens on Patrol was an important program and he encouraged the citizens to vote for the renewal of the CCPD on November 3, 2009.

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

City Manager Fisseler requested that Mayor and Council Communication No. C-23841 be withdrawn from the Consent Agenda.

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

City Manager Fisseler requested that Mayor and Council Communication No. P-11043 be continued until the October 20, 2009, Council meeting.

**IX. PRESENTATIONS BY THE CITY COUNCIL**

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

Motion: Council Member Moss made a motion, seconded by Council Member Jordan, that Mr. Solomon Haile be reappointed to Place 5 on the Aviation Advisory Board effective October 13, 2009, with a term expiring October 1, 2011. The motion carried unanimously nine (9) ayes to zero (0) nays.

Motion: Council Member Moss made a motion, seconded by Council Member Jordan, that Mr. Elvin Bennett be appointed to Place 5 on the Parks and Community Services Advisory Board effective October 13, 2009, with a term expiring October 1, 2011. The motion carried unanimously nine (9) ayes to zero (0) nays.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Ms. Marty Craddock be appointed to Place 7 on the Appeals Board effective October 13, 2009, with a term expiring September 30, 2011. The motion carried unanimously nine (9) ayes to zero (0) nays.

**(IX. PRESENTATIONS BY THE CITY COUNCIL Continued)**

Motion: Council Member Zimmerman made a motion, seconded by Council Member Espino, that the following individuals be appointed/reappointed to the boards/commissions/committees indicated effective October 13, 2009, and with terms expiring as reflected:

Aviation Advisory Board

Mr. William Howard Lawson - Place 3, expiring October 1, 2011

City Plan Commission and Capital Improvements Advisory Committee for Transportation Impact Fees

Mr. Jim L. Tidwell - Place 3, expiring October 1, 2011

Library Advisory Board

Ms. Deanna S. Maxwell - Place 3, expiring October 1, 2011

Parks and Community Services Advisory Board

Mr. Andrew James Nuttall - Place 3, expiring October 1, 2011

Appeals Board

Mr. Charles B. Team IV - Place 3, expiring September 30, 2011

Board of Adjustment - Commercial and Fort Worth Alliance Airport Board of Adjustment

Mr. Robert West - Place 3, expiring October 1, 2011

Board of Adjustment – Residential

Ms. Barbara Worthley - Place 3, expiring October 1, 2011

City Zoning Commission

Mr. Jackson Wilson - Place 3, expiring October 1, 2011

Community Development Council

Mr. Harry Butcher - Place 3, expiring October 1, 2011

Fort Worth Commission for Women

Ms. Sandi Breaux - Place 3, expiring October 1, 2011

Historic & Cultural Landmarks Commission

Ms. JoAn Earl - Place 3, expiring October 1, 2011

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

**XI. RESOLUTIONS**

**1. A Resolution of the City Council of the City of Fort Worth, Texas, Nominating Mark D. Chambers, Jr., for Appointment to the Board of Directors for the Denton Central Appraisal District Effective January 1, 2010.**

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Resolution No. 3796-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. A Resolution Re-Appointing Members to the Fort Worth Transportation Authority Executive Committee effective October 1, 2009, with Terms Expiring September 30, 2010 as follows:**

<u>Appointee</u>	<u>Council District</u>
Ms. Rosa Navejar	2
Mr. Gary Havener	3
Mr. Gary Cumbie	4
Ms. Reby Cary	5
Mr. Robert A. Parmelee	6
Mr. Robert L. Jameson	7
Mr. Curtis Toombs	8
Ms. Mary Volcansek	9

Motion: Council Member Hicks made a motion, seconded by Council Member Espino, that Resolution No. 3797-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. A Resolution of the City Council of the City of Fort Worth, Texas, Nominating Joe Potthoff and John Molyneaux for Reappointment to the Board of Directors for the Tarrant Appraisal District Effective January 1, 2010.**

Motion: Council Member Burns made a motion, seconded by Council Member Zimmerman, that Resolution No. 3798-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

## XII. ORDINANCES

**1. An Ordinance Amending Chapter 2, Article V, Entitled "Human Resources," of the Code of the City of Fort Worth (1986), As Amended, Amending Section 2-186 "Political Activities" to Amend the Subsection Prohibiting Certain Officers and Employees from Taking an Active Part in Municipal Elections; Providing that Employees May Wear City Issued Uniforms for an Off-Duty Political Activity if the Uniform Was Required as Part of the Employee's On Duty Employment on the Day of the Political Activity; Providing that No Officer or Employee of the City Shall Induce Another to Participate or Refrain from Participating in Any Municipal Election; Providing that this Ordinance is Cumulative; Providing a Severability Clause; and Providing an Effective Date**

Reverend Ralph Waldo Emerson, Jr., 5001 Coneflower Road, appeared before Council in opposition to the proposed ordinance. He requested clarification of the proposed ordinance and asked if the ordinance would allow uniformed Police and Fire Fighters at the polling location.

City Attorney Yett clarified that the ordinance applied only to department heads, such as the City Manager, Assistant City Managers, City Auditor, Police Chief, Fire Chief, etc. He stated there was already a State Law in place that governed the political activities of Police Officers and Fire Fighters.

Council Member Scarth clarified that the word "officer" meant officer of the City, such as City Attorney or City Manager, not Police Officer.

Council Member Hicks expressed appreciation to Reverend Emerson for meeting with her and Council Member Moss about issues related to the CCPD.

Council Member Jordan clarified that Police Officers and Fire Fighters would not be permitted at the polling location in uniform.

City Attorney Yett confirmed that Police and Fire Fighters would not be permitted in the polling location while in uniform, as regulated by State Law.

Reverend Emerson stated that his congregation would be supporting the CCPD and expected a large turnout at the polling locations. He added that the City should spend tax dollars on prevention not intervention, relative to crime and infant mortality.

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that Ordinance No. 18862-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XIII. CONSENT AGENDA**

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

**A. General - Consent Items**

**1. M&C G-16727 - Authorizing the City Manager to Exercise the Fourth of Four (4) One-Year Renewal Options to Purchase Aircraft Insurance Coverage for Police Helicopters from Kay & Piskuran Insurance Agency for the Period of October 1, 2009, to September 30, 2010, for the Annual Premium of \$73,400.00; and Authorizing the City Manager to Exercise the Fourth of Four (4) One-Year Renewal Options to Purchase Airport Liability Insurance Coverage from Key & Piskuran Insurance Agency for the Period of October 1, 2009, to September 30, 2010, for the Annual Premium of \$39,700.00 for the City of Fort Worth.**

**2. M&C G-16728 - Considering and Adopting the Findings of the Ground Transportation Coordinator: the Public Necessity and Convenience Require the Operation of Eighteen (18) Limousines Upon the City Streets, Alleys and Thoroughfares; Accent/Johnston Limousine, Inc., d/b/a AJL, is Qualified and Financially Able to Conduct a Limousine Service within the City; Accent/Johnston Limousine, Inc., d/b/a/ AJL, has Complied with the Requirements of Chapter 34 of the City Code; Accent/Johnston Limousine, Inc., d/b/a AJL, Presented Facts in Support of Compelling Demand and Necessity of Eighteen (18) Limousines; the General Welfare of the Citizens of the City will Best be Served by the Addition of Eighteen (18) Limousines Upon City Streets, Alleys and Thoroughfares; and Adopting Ordinance No. 18863-10-2009 Granting the Privilege of Operating Authority to Accent/Johnston Limousine, Inc., d/b/a AJL, for the Use of the Streets, Alleys, and Public Thoroughfares of the City in the Conduct of its Limousine Business, Which Shall Consist of the Operation of Eighteen (18) Limousines, for a Three (3) Year Period Beginning on the Effective Date; Specifying the Terms and Conditions of the Grant; Providing for Written Acceptance by Accent/Johnston Limousine, Inc., d/b/a AJL; and Conditioned Upon Accent/Johnston Limousine, Inc., d/b/a AJL, Complying with All Requirements of Chapter 34, Article VI of the Code of the City of Fort Worth (1986), as Amended.**

**3. M&C G-16729 - Authorizing the Temporary Road Closure of Schadt Street Between East Loraine Street and Northeast 28th Street from October 14, 2009, to April 30, 2010, to Facilitate Drainage Improvements Associated with City Project No. 00778.**



**(XIII. CONSENT AGENDA Continued)**

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

**1. M&C P-11040 - Authorizing Purchase Agreements for Saw Blades with National Diamond and Protech Diamond USA, Inc., for Various City Departments for a Total Annual Cost Up to \$100,000.00.**

**2. M&C P-11041 - Authorizing the Purchase and Installation of Restroom Stall Partitions from Smith Interiors, LLP, for the Public Events Department in the Amount of \$29,400.00.**

**C. Land - Consent Items**

**1. M&C L-14856 - Authorizing the Direct Sale of Tax-Foreclosed Property Located at 5301 Calumet Street, Described as Lot 3, Block 11, Walter Willi Subdivision, Fort Worth, Texas, to Precious Cornerstone Missionary Baptist Church, in Accordance with Section 34.05 of the Texas Tax Code for a Sales Price of \$55,652.82; and Authorizing the City Manager, or His Designee, to Execute and Record the Appropriate Instruments Conveying the Property to Complete the Sale.**

**2. M&C L-14857 - Authorizing the City Manager to Approve the Correction of M&C L-14817 to Revise the Just Compensation Amount from \$29,790.00 to the Correct Amount of \$26,590.00 for One (1) Right-of-Way Easement from the Courtney and Mary Goff 2002 Trust Located at 4164 Keller Hicks Road in North Fort Worth, Described as Jesse Billingsley Survey, Abstract 70, Sunny Cove Boat and Storage Tract, Tarrant County, Texas, for the Widening of Keller Hicks Road and Pay Estimated Closing Costs of \$4,000.00; Finding that the Price Offered in the Amount of \$26,590.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments, (DOE No. 5843) (City Project No. 00791).**

**3. M&C L-14858 - Approving the Acquisition of a 0.907 Acre of Reclaimed-Water Line and Salt-Water Line Easement and a 0.932 Acre Temporary Construction Easement from Bell Helicopter Textron, Inc., Located in the Juan Armendaris Survey, Abstract 57, Tarrant County, Texas, Including Payment of Estimated Closing Cost of \$2,000.00 to Construct the Village Creek Reclaimed-Water (Eastern) Delivery System; Finding that the Appraised Value of \$41,642.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments for DOE 6096, Project No. 00213.**

**4. M&C L-14859 - Accepting the Dedication of Approximately 12.879 Acres of Parkland and Facility Improvements from Standard Pacific of Texas, LP, in Accordance with the 2000 Neighborhood and Community Park Dedication Policy as an Addition to North Park.**

**(XIII. CONSENT AGENDA Continued)**

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

**1. M&C PZ-2851 - Authorizing the City Manager to Initiate Certain Zoning Changes in the 300 Block of Altamesa Boulevard and the 300 Block of Dupont Circle from "C" Medium Density Multi-Family and "E" Neighborhood Commercial to "A-5" One-Family, in Accordance with the Comprehensive Plan.**

**2. M&C PZ-2852 - Authorizing the City Manager to Initiate Certain Zoning Changes in the East Rosedale Street Corridor, Evans and Rosedale Urban Village and Terrell Heights Neighborhood, from Various Districts to "A-5" One-Family, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "NS-T4NR" Near Southside – Transect 4 Neighborhood Restricted, "NS-T5NR" Near Southside – Transect 5 Neighborhood Restricted, and "PD" Planned Development with Various Historical and Cultural Overlays, in Accordance with the Comprehensive Plan.**

**3. M&C PZ-2853 - Authorizing the City Manager to Initiate Certain Zoning Changes in Phase Two of the West Meadowbrook Neighborhood, from Various Districts to "A-7.5" One-Family, "A-7.5/HC" One-Family/Historical and Cultural Overlay, "A-5" One-Family, "B" Two-Family, "C" Medium Density Multi-Family, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "G" Intensive Commercial, and "PD" Planned Development 776, in Accordance with the Comprehensive Plan.**

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

**1. M&C C-23836 - Authorizing Change Order No. 1 in the Amount of \$53,476.00 to City Secretary Contract No. 37580 with C. Green Scaping, LP, for Sidewalk, Irrigation and Street Lighting Improvements to Portions of Arborlawn Drive and Bellaire Drive, Thereby Revising the Total Cost to \$498,096.05.**

**2. M&C C-23837 - Approving a Correction to M&C C-23558 to Increase the Appropriation for Community Development Block Grant – Recovery Funds from \$1,769,412.00 to \$1,796,412.00; and Adopting Appropriation Ordinance No. 18864-10-2009 Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$27,000.00, Upon Receipt of the Community Development Block Grant – Recovery Funds from the United States Department of Housing and Urban Development, for the Purpose of Funding Public Facilities Sidewalks and ADA Ramp Activities.**

**(XIII. CONSENT AGENDA Continued)**

**3. M&C C-23838 - Authorizing the Transfer of \$94,799.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$44,246.00 and the Sewer Capital Projects Fund in the Amount of \$50,553.00; Adopting Appropriation Ordinance No. 18865-10-2009 Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and the Sewer Capital Projects Fund, from Available Funds, for the Purpose of Funding Additional Water and Sewer Lines; and Authorizing the City Manager to Execute Amendment No. 3 with Dannenbaum Engineering Corporation in the Amount of \$63,565.00 for the Design and Preparation of Engineering Plans and Contract Documents for the Bidding and Construction of Additional Water and Sewer Lines Located on Berke Road, Sahara Place and Glen Eden Drive with the Linda Lane Drainage Improvements and Oakridge Terrace Drainage Improvements (Project No. 00474).**

**4. M&C C-23839 - Authorizing the City Manager to Execute an Interlocal Agreement for Wastewater Diversion Box Operation and Maintenance with the City of Arlington and the Trinity River Authority of Texas.**

**5. M&C C-23840 - Approving the Payment of \$74,900.00 to the Trinity River Authority for Continued Participation in the Upper Trinity Water Quality Compact (City Secretary Contract No. 8428).**

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

**1. OCS-1744 - Notice of Claims for Alleged Damages and/or Injuries**

**2. OCS-1745 - Liability Bonds Approval**

End of Consent Agenda.

**XV. [REPORT OF THE CITY MANAGER](#)**

**E. Award of Contract – (Removed from Consent Agenda for Individual Consideration)**

**6. M&C C-23841 - Authorize the City Manager to Execute a Five (5) Year Lease Agreement with Andrews-Dillingham, LTD., in the Amount of \$105,000.00 per Year in Base Rent for the Operation of a Community Action Partners Center Beginning October 1, 2009, and Ending September 30, 2014.**

**(C-23841 Continued)**

City Manager Fisseler advised that a correction needed to be made to Mayor and Council Communication No. C-23841. He noted that the words "Per Year" should be stricken from the Subject and Recommendation Sections of the Mayor and Council Communication. He stated the Subject and Recommendation Sections should read: "Authorize Execution of a (5) Five Year Lease Agreement with Andrews-Dillingham Properties, LTD., in the Amount of \$105,000.00 in Base Rent for the Operation of a Community Action Partners Center."

Motion: Council Member Hicks made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. C-23841 be approved as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

**B. General**

**1. M&C G-16730 - Authorize the City Manager to Appoint the Persons Named Below to Places 1, 3, 5, 7, 9, 10 and 11 of the City's Construction and Fire Prevention Board of Appeals, Beginning October 13, 2009, and terms expiring as follows:**

<u>Place</u>	<u>Name</u>	<u>Expiring Terms</u>
1	Mr. Joel Werland, Architect	10-1-2011
3	Mr. Tom Lewis, Fire Protection	10-1-2011
5	Mr. David Ritz, General Contractor	10-1-2011
7	Mr. Mike Callan, Master Plumber	10-1-2011
9	Mr. Robert Madeja, Home Builder	10-1-2011
10	Mr. Gordon Pritchard, Alternate Engineer	10-1-2010
11	Mr. Parris Jones, Alternate Architect	10-1-2011

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-16730 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C G-16731 - Adopting an Ordinance Amending the Code of Ordinances of the City of Fort Worth, by Amending Article II of Chapter 15, "Gas" Entitled, "Gas Drilling and Production," Regulating the Drilling and Production of Gas Wells within the City to Amend Section 15-31, "Definitions" to Add a Definition for Urban Villages and to Amend Freshwater Fracture Pits to Add a Reference to Ponds; Amend Section 15-34, "Gas Well Permit Required" to Require City Council Approval for Gas Wells in Urban Villages; Amend Subsection 17 of Section 15-42, "Technical Regulations" to Require Council Approval for Fracture Ponds in Urban Villages.**

**(G-16731 Continued)**

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

(Council Member Jordan left his place at the dais.)

Council Member Hicks clarified that this item did not prohibit fracture ponds in all Urban Villages, it simply gave Council the opportunity to discuss the fracture ponds as proposed. She advised that the Council would be meeting with Staff to ensure that everyone was moving forward in a positive way, relative to development in the urban areas.

Mr. Ray Oujesky, representing Chesapeake Energy, 100 Energy Way, completed a speaker card in opposition to Mayor and Council Communication No. G-16731 but did not wish to address the Council.

Motion: Council Member Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16731 be continued until the October 27, 2009, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Jordan.

(Council Member Jordan returned to his place at the dais.)

**3. M&C G-16732 - Adopt an Ordinance Amending the Code of the City of Fort Worth, Texas (1986), as Amended, to Establish a New Parking Meter Rate No. 2 – Two (2) Hour Rate by Amending Subsection (d)(2) of Section 22-191, "Establishment of Zones and Maximum Parking Time Therein; Establishment of Fees," Division 2, "Parking Meters," Article VI, "Stopping, Standing and Parking," Chapter 22, "Motor Vehicles".**

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-16732 be approved and Ordinance No. 18866-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. M&C G-16733 - Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Red Light Enforcement Program Fund in the Amount of \$369,212.00, from Available Funds, for the Purpose of Funding General Operating Expenses for Fiscal Year 2009-2010.**

Motion: Council Member Burdette made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16733 be approved and Supplemental Appropriation Ordinance No. 18867-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C G-16734 - Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$10,575,565.00 and \$4,016,663.00 in the Sewer Capital Projects Fund from Impact Fee for the Purpose of Transferring Said Funds to the Water and Sewer Fund; and Adopt an Ordinance Authorizing the Transfer of Funds in the Total Amount of \$14,592,228.00 for the Purpose of Paying Debt Associated with Impact Fee Eligible Projects.**

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. G-16734 be approved and Appropriation Ordinance Nos. 18868-10-2009 and 18869-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief clarified that Council Member Jordan abstained from voting on Mayor and Council Communication No. G-16731 and stated the vote was eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Jordan.

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

**1. M&C P-11043 - Authorize a Purchase Agreement for Commercial and Residential Demolition Services with Intercon Environmental, Inc., Using Texas Department of Transportation Purchase Agreement No. B182006011343000 for the Code Compliance Department for an Annual Amount Up to \$200,000.00.**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. P-11043 be continued until the October 20, 2009, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C P-11044 - Authorize the Purchase of a New Spartan Chassis, Inc., Aerial Fire Apparatus with Scott Fire Apparatus, Inc., for the Fire Department, Using Houston-Galveston Area Council Cooperative Contract No. FS12-07, for a Cost Not to Exceed \$734,250.00.**

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. P-11044 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**D. Land**

**1. M&C L-14860 - Approve the Proposed Settlement of the Claims of Howell Instruments, Inc., in the Condemnation Lawsuit, City of Fort Worth v. Howell Instruments, Inc.; in the County Court at Law No. 2 of Tarrant County, Texas; Cause No. 06-42201-2; Authorize the Payment of \$4,600,000.00 to Howell Instruments, Inc., on the Subject Property, Consisting of \$2,120,060.00 Previously Deposited in the Registry of the Court and a Check Payable to Howell Instruments, Inc., in the Additional Amount of \$2,479,940.00 Plus Up to \$20,000.00 in Associated Court Costs; and Authorize the Attorney for the City to Approve the Agreed Judgment Necessary to Complete the Settlement.**

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

(Council Member Zimmerman left his place at the dais.)

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. L-14860 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Zimmerman.

(Council Member Zimmerman returned to his place at the dais.)

**2. M&C L-14861 - Approve the Acceptance of a Lease Agreement for Natural Gas Drilling Under 28.659 Acres More or Less of City-Owned Properties Known as Highland Hills Park Located at 1600 Glasgow Road to Chesapeake Exploration, L.L.C., for a Two (2) Year Primary Term.**

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

(Council Member Jordan left his place at the dais.)

Council Member Hicks requested that the funds received from the drilling be allocated for Highland Hills Park and added that the Highland Hills Park Neighborhood Association would provide direction on how the funds were to be utilized.

Motion: Council Member Hicks made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14861 be approved, with stipulation as noted by Council Member Hicks. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Jordan.

(Council Member Jordan returned to his place at the dais.)

**3. M&C L-14862 - Approve the Acceptance of a Lease Agreement for Natural Gas Drilling Under 134,909 Acres More or Less of City-Owned Properties Known as Rolling Hills Water Treatment Plant Located at 2600 SE Loop 820 to Titan Energy, LLC, in the Amount of \$505,908.75 for a Two (2) Year Primary Term.**

Council Member Moss requested clarification regarding the Minority and Women Owned Business Enterprise (MWBE) commitment.

Ms. Susan Alanis, Director, Planning and Development Department, clarified that the current Council policy required a three (3) percent commitment to MWBE contracts. She stated that Titan Operating, LLC., had provided a list of nearly one (1) million dollars in potential subcontracting opportunities and identified a company that would fulfill that obligation.

Council Member Moss advised that there was an issue at DFW International Airport regarding leases with production companies. He stated that they were required to provide names of minority firms that they would do business with, but once they secured the leases they did not use any of the contractors that they had identified. He noted that in this particular case, Titan Operating, LLC., had identified companies that would potentially get a contract, but were not guaranteed and added that he wanted to make sure the Council was considering this so the same issue did not occur in Fort Worth.

Council Member Hicks requested Ms. Alanis advise the Council of what assistance they could provide so that this issue did not occur in the City.

Motion: Council Member Hicks made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14862 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. M&C L-14863 - Declare the Negotiations Between the City, its Agents, Subagents and the Landowners to Acquire Approximately a Combined Total of 0.4690 Acres of Land Owned by Alfonso Aguirre and Known as 3004 Decatur Avenue, Tract 4, A1370, of the Martin Roddy Survey, City of Fort Worth, Tarrant County, Texas, were Unsuccessful Because of the Inability to Reach an Agreement to Purchase; Declare the Necessity to Take by Condemnation the Subject Property for the Lebow Channel Drainage Project; Authorize the City Attorney to Institute Condemnation Proceedings to Acquire Fee Simple Interest in the Surface Estate, but Not the Mineral Estate of the Property; and Authorize the Acceptance and Recording of Appropriate Instruments (DOE No. 4623).**

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. L-14863 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.



**5. M&C L-14864 - Declare that Negotiations Between the City and the Landowners to Acquire 0.1826 Acres of Land Owned by Reyes and Celia Malagon and Known as 3006 Decatur Avenue, Lots 8 and 9, Block 41, W.A. Archer Addition, City of Fort Worth, Tarrant County, Texas, were Unsuccessful Because No Agreement to Purchase Could be Reached; Declare the Necessity to Take by Condemnation the Property for the Lebow Channel Drainage Project; Authorize the City Attorney to Institute Condemnation Proceedings to Acquire Fee Simple Interest in the Property, but Not the Mineral Estate of the Property; and Authorize the Acceptance and Recording of Appropriate Instruments (DOE No. 4623).**

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. L-14864 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. M&C L-14865 - Declare that Negotiations Between the City, its Agents, Subagents and the Landowners to Acquire 0.1826 Acres of Land Owned by Reyes Malagon and Known as 3008 Decatur Avenue, Lots 10 and N 9, Block 41, of the W.A. Archer Addition, City of Fort Worth, Tarrant County, Texas, were Unsuccessful Because of the Inability to Reach an Agreement to Purchase; Declare the Necessity to Take by Condemnation the Subject Property for the Lebow Channel Drainage Project; Authorize the City Attorney to Institute Condemnation Proceedings to Acquire Fee Simple Interest in the Surface Estate, but Not the Mineral Estate of the Property; and Authorize the Acceptance and Recording of Appropriate Instruments (DOE No. 4623).**

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. L-14865 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**7. M&C L-14866 - Approve the Acquisition for the Construction of the Village Creek Reclaimed-Water (Eastern) Delivery System of a 0.461 Acre Reclaimed-Water Line and Salt-Water Line Easement and a 0.408 Acre Temporary Construction Easement from TXI Operations, LP, Located in a Portion of Lot 1, Block 1, TXI Calloway Addition, in North East Fort Worth on State Highway 157, and Pay the Estimated Closing Costs of \$5,000.00; Find that the Total Appraised Value of \$358,958.00 is Just Compensation; and Authorize the Acceptance and Recording of Appropriate Instruments for DOE 6096, Project 00213.**

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. L-14866 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**8. M&C L-14867 - Approve the Acquisition of a 0.281 Acre Reclaimed-Water Line Easement from Chesapeake Exploration, L.L.C., to Construct the Village Creek Reclaimed-Water (Eastern) Delivery System Located in a Portion of the Vincent J. Hutton Survey, Abstract 681, in North East Fort Worth and Pay the Estimated Closing Costs of \$4,000.00; Find that the Appraised Value of \$152,796.00 is Just Compensation; and Authorize the Acceptance and Recording of Appropriate Instruments for DOE 6096, Project 00213.**

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

(Council Member Jordan left his place at the dais.)

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. L-14867 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Jordan.

(Council Member Jordan returned to his place at the dais.)

**9. M&C L-14868 - Execute a Settlement Agreement for \$680,792.00 with Centreport Developers, LLC, d/b/a Regent Aerospace, LLC, for 0.619 Acre of Land for Two (2) Reclaimed-Water Line and Salt-Water Line Easements and 3.334 Acres of Land for Two (2) Construction Easements to be Used to Construct the Village Creek Reclaimed-Water (Eastern) Delivery System Located in Northeast Fort Worth in a Portion of Lot 3, Block 113, Centreport Addition and to Pay the Estimated Closing Costs of \$10,000.00; Find that the Total Negotiated Value of \$680,792.00 is Just Compensation; and Authorize the Acceptance and Recording of Appropriate Instruments.**

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. L-14868 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**F. Award of Contract**

**1. M&C C-23842 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Storm Water Utility Fund in the Amount of \$541,723.00 and Decreasing the Unreserved, Undesignated Fund Balance by the Same Amount, for the Purpose of Providing Additional Funds for Integrated Program Management, Phase 3; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Gas Well Lease Fund in the Amount of \$98,494.00, from Available Funds, for the Purpose of Providing Additional Funds for Integrated Program Management, Phase 3; and Authorize the City Manager to Execute a Professional Services Agreement with CH2MHill in the Amount of \$4,399,1008.00.**

**(C-23842 Continued)**

Council Member Jordan requested a detailed presentation from staff relative to the accomplishments to date and the measurable expectations of the contract going forward.

Motion: Council Member Jordan made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. C-23842 be continued until the October 27, 2009, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C C-23843 - Authorize Professional Service Agreements with INX Inc., Network Cabling and Senior Consultants, Inc., for the Installation of Fiber Optic and Structured Cable for the Information Technology Solutions Department Using Department of Information Resources Contract Nos. SDD-669, SDD-676 and SDD-677 for a Combined Amount Not to Exceed \$210,000.00.**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-23843 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. M&C C-23844 - Authorize the City Manager to Execute a Design/Build Contract in the Amount of \$1,328,929.00 with Sabre Communications Corporation for the Design and Construction for the Replacement of the Public Safety Communications Tower at Rolling Hills Water Treatment Facility for the Information Technology Solutions Department.**

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23844 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. M&C C-23845 - Authorize a Substantial Amendment to the City's 2007-2008 Action Plan; Authorize a Change in Use and Expenditure of \$720,000.00 of Community Development Block Grant Funds for the Terrell Heights Street Light Replacement Project; and Authorize the City Manager or His Designee to Execute an Engineering Design Agreement with Lee Engineering, LLC, for \$291,995.10 for the Preparation of Construction Plans, Specifications and Estimates Related to the Roadway and Pedestrian Street Light Installation of the Terrell Heights Street Light Replacement Project.**

Motion: Council Member Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23845 be approved with appreciation to staff. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C C-23846 - Authorize the City Manager to Execute an Engineering Agreement with Kimley-Horn and Associates, Inc., in the Amount of \$245,973.00 for the Design of Chapin Road Bridge (Project No. 00259) at Santa Clara Channel and Cravens Road Bridge Replacements (Project No. 00302) at Wildcat Branch Channel.**

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23846 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. M&C C-23847 - Authorize the City Manager to Execute an Engineering Agreement in the Amount of \$287,746.00 with Lockwood, Andrews & Newnam, Inc., for the Design of East Downtown Storm Drain Structural Rehabilitation Project (Project No. 01367).**

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23847 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**7. M&C C-23848 - Authorize the City Manager to Execute an Agreement with James DeOtte Engineering, Inc., in the Amount of \$243,053.00 for the Greenfield Acres Drainage Master Plan.**

Council Member Burdette stated that this area was built out a number of years ago when the area was owned by Tarrant County. He added that the area had major drainage problems and this was the first step in getting those drainage issues solved.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23848 be approved with appreciation to staff. The motion carried unanimously nine (9) ayes to zero (0) nays.

**8. M&C C-23849 - Authorize a Sole Source Agreement for Continued Software Maintenance and Support from Sungard Public Sector, Inc., for the Water Department's Customer Information and Billing System for an Amount Up to \$102,700.00.**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-23849 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**9. M&C C-23850 - Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Special Gifts Fund in the Amount of \$56,420.00, from Available Funds, for the Purpose of Transferring Said Funds to the General Fund to Conduct a Customer Analytics Study for the Library Department; Authorize the Transfer of \$56,420.00 from the Special Gifts Fund and \$56,420.00 from the Special Trust Fund to the General Fund; Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$112,840.00, from Available Funds, to Conduct the Study; and Authorize the City Manager to Execute a Professional Services Agreement with Buxton Company in the Amount of \$138,000.00 to Conduct a Study in Conjunction with its Comprehensive Plan.**

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23850 be approved and Appropriation Ordinance Nos. 18870-10-2009 and 18871-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**10. M&C C-23851 - Authorize the City Manager to Apply for and Accept a \$183,336.00 Loan Star Libraries Grant from the Texas State Library and Archives Commission for the Fort Worth Library for the Program Year September 1, 2009, Through August 31, 2010; Authorize the City Manager to Execute a Grant Agreement with the Texas State Library and Archives Commission Relating to Such Grant; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Grants Fund, Upon Receipt of the Grant for the Purpose of Funding the Library's Comprehensive Plan, the Purchase of Library Materials and the Summer Reading Program; Authorize a Non-Interest Bearing Inter-Fund Loan in the Amount of \$123,000.00 from the General Fund to the Grants Fund for Interim Financing to Ensure Program Continuation from One (1) Grant Funding Period to the Next; and Authorize the City Manager to Execute a Professional Services Agreement with Godfrey's Associates, Inc., for an Amount Up to \$153,293.00 to Conduct a Master Facilities Study for the Library Department in Conjunction with its Comprehensive Plan, with \$123,000.00 being Paid from Grant Funds and \$30,293.00 coming from the General Fund.**

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23851 be approved and Appropriation Ordinance No. 18872-10-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XVI. PRESENTATIONS BY THE CITY SECRETARY - NON CONSENT ITEMS**

**1. OCS-1746 - Consideration of Joint Election Agreement and Contract Between Tarrant County Elections Administrator and City of Fort Worth for Election Services for the Special Election to be Held on November 3, 2009, at an Estimated Cost of \$255,314.00 to Continue the Crime Control and Prevention District and its One-Half Cent Sales Tax for Five Years**

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. OCS-1746 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XVII. PUBLIC HEARING**

**1. First Public Hearing for a Proposed City-Initiated Annexation of Approximately 442.5 Acres of Land in Denton County, Located North of SH 114 and West of Interstate 35W. (AX-09-005 SH 114)**

**a. Report of City Staff**

Ms. Allison Gray, Planning Manager, Planning and Development Department, appeared before Council and provided a staff report.

**b. Citizen Comments**

There were no citizen comments.

Motion: Council Member Espino made a comment, seconded by Mayor Pro tem Scarth, that the public hearing be closed. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XVIII. ZONING HEARING**

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 September 28, 2009. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

**1. Zoning Docket No. ZC-09-027 - City of Fort Worth Planning & Development, Text Amendment: Conservation Overlay Districts; An Ordinance Amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as Amended, Codified as Appendix "A" of the Code of the City of Fort Worth, by Amending: Section 2.102, "Urban Design Commission" of Chapter 2, "Review Bodies", to Amend the Duties of the Urban Design Commission and Revise Subsections "E" and "F" Related to Conservation Districts; to Change the References to "Design Districts" and Delete Mixed Use Growth Centers and Urban Villages; Section 4.100 "Districts Established" to Add Design Overlay Districts to Subsection "A", "Special Purpose Districts"; Amend in its Entirety Article 4 "Conservation ("CD") Overlay Districts" (Recommended for Approval) (Continued from September 22, 2009).**

Council Member Burns stated that when he was first elected to the Council he requested that staff look at the City's Conservation Districts. He added that a number of City staff and citizens had weighed in on the issue over the course of the last year and half and stated that a few items still existed that needed to be resolved before voting on the item. He advised that he would continue the item for three weeks in hopes of getting the consensus that was needed.

Mr. Fran McCarthy, 1208 West Magnolia Avenue, Suite 212, appeared before Council in support of Zoning Docket No. ZC-09-027 and relative to the unique design features of the Fairmont Neighborhood and the ability to protect the neighborhood without the full historic designation.

Motion: There being no one present desiring to be heard in connection with the Text Amendment, Council Member Burns made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-09-027 be continued until the November 3, 2009, Council meeting. The motion carried unanimously nine (9) ayes to (0) nays.

**2. Zoning Docket No. ZC-09-081 – Carniceria Properties, LLC, 1146 East Seminary Drive; from "E" Neighborhood Commercial to "PD/E" Planned Development for All Uses in "E" Neighborhood Commercial Plus Bingo Facility Not to Exceed 10,000 Square Feet; Site Plan Waiver Recommended. (Recommended for Approval) (Continued from September 1, 2009).**

The following individuals appeared before Council in support of Zoning Docket No. ZC-09-081 relative to the vandalized building, the bingo parlor proceeds funding many local charities and the applicant rehabilitation of the existing building:

Mr. Bill Woodward, P.O. Box 150685

Mr. Jesse Seawell, 4850 Countryside Court West

Mr. Johnny Snell, II, 5212 Cool River Court, Mansfield, Texas, 76063

Mr. Jim Schell, representing the applicant, Attorney, 901 Fort Worth Club Building, provided photographs of the building and identified the vandalism that had occurred.

Mr. Michael Schlueter, Applicant, 7304 Vanguard Court, Colleyville, Texas, 76034

**(ZC-09-081 Continued)**

Ms. Peggy A. Shelton, 4412 Sahara Place, appeared before Council in opposition to Zoning Docket No. ZC-09-081 relative to the association of crime with bingo parlors.

Council Member Hicks asked the applicant how he would spend the \$200,000.00 to \$250,000.00 on rehabilitation for the existing building.

Mr. Schlueter stated that he planned to replace all of the existing windows with solid material and redesign and replace the damaged interior of the building, due to vandalism. He added that he would work with the current landlord to secure more lighting around the building and in the parking lot.

Council Member Hicks stated she would support this item because she felt the building and location would be better served with a tenant rather than remain vacant and attract vandalism. She noted that the applicant planned to rehabilitate the building which would benefit the strip shopping center and hopefully draw new tenants to the vacant areas. She also added that alcohol would not be sold at the facility and that it would operate only during the evening hours.

Motion: Council Member Hicks made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-09-081 be approved. The motion carried unanimously nine (9) ayes to (0) nays.

**3. Zoning Docket No. ZC-09-087 – Profile Equities LLC, 3031 Honeysuckle Court; from “A-5” One-Family to “PD/SU” Planned Development for Four (4) Detached Single Family Units and One (1) Duplex on One (1) Lot; Site Plan Included. (Recommended for Denial).**

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-09-087 be continued until the November 3, 2009, Council meeting. The motion carried unanimously nine (9) ayes to (0) nays.

**4. Zoning Docket No. ZC-09-088 – HMG Ridgmar SNF LP, 2301 Lands End Boulevard; from “PD-404” Planned Development for All Uses in “CF” Community Facilities with a 6-Foot Masonry Screening Wall Along the North Property Line and Monument Signage Only to “MU-1” Low Intensity Mixed Use (Recommended for Approval).**

Mr. Robert Baldwin, 401 Exposition Avenue, completed a speaker card in support of Zoning Docket No. ZC-09-088 but did not wish to address the Council.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-09-087 be approved. The motion carried unanimously nine (9) ayes to (0) nays.



**5. Zoning Docket No. ZC-09-090 – Vuong Vu, 3255 North Beach Street; from "PD-182" Planned Development for All Uses in "E" Neighborhood Commercial Plus Sale of Used Furniture, No Outside Storage Permitted; Site Plan Waived to Amend "PD-182" to Include a Gambling Facility; Site Plan Waiver Requested. (Recommended for Denial).**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-09-090 be denied. The motion carried unanimously nine (9) ayes to (0) nays.

**6. Zoning Docket No. ZC-09-091 – Leggett, Leggett, & Leggett, 1701 McClellan Court; from "E" Neighborhood Commercial to "PD/E" Planned Development for All Uses in "E" Neighborhood Commercial Plus Retail Tire Facility; Site Plan Waiver Requested. (Recommended for Denial).**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-09-091 be denied. The motion carried unanimously nine (9) ayes to (0) nays.

**7. Zoning Docket No. ZC-09-092 – Black Dog Land & Cattle LLC, 3120 Precinct Line Road; from "PD-638" PD/SU for Collection of Recycling Construction Waste Materials, Including Grinding of Wood Products for Resale or Combustion in a Cogeneration Plant, Retail Sales of Mulch Materials and Cogeneration Facility, with Development Standards; Site Plan Required to "K" Heavy Industrial (Recommended for Approval).**

Mr. Louis Galindo, representing Black Dog Land & Cattle LLC, 306 West 7<sup>th</sup> Street, Suite 600, appeared before Council in support of Zoning Docket No. ZC-09-092 and stated his client requested the zoning revert back to the zoning which was in place before the specific use permit was granted.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, clarified that the request was for a straight zoning classification and a site plan was not typically required. She added that the Council had the option to waive or require a site plan.

Council Member Moss indicated his motion would include waiving of the site plan.

Motion: Council Member Moss made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-09-092 be amended as "PD" Planned Development for all uses in "K" Heavy Industrial excluding Sexually Oriented Businesses, with waiver of the site plan. The motion carried unanimously nine (9) ayes to (0) nays.

**8. Zoning Docket No. ZC-09-093 – Cheyenne West Cheyenne LLC, 5924 Lovell Avenue; from "ER" Neighborhood Commercial Restricted to "E" Neighborhood Commercial (Recommended for Approval).**

Ms. Dee Dee Herring, representing Cheyenne West Cheyenne LLC, 6040 Camp Bowie Boulevard, Suite 56, appeared before Council in support of Zoning Docket No. ZC-09-093.

Ms. Era Rose Smith, 5909 Locke Avenue, appeared before Council in opposition to Zoning Docket No. ZC-09-093, and relative to the close proximity of commercial businesses to residences. She provided photographs of the residential and commercial areas directly related to the zoning request.

Council Member Burdette stated he had concerns about the property currently zoned as "ER" Neighborhood Restricted and the request to change the zoning to "E" Neighborhood Commercial. He further stated that the zoning would stay with the property if it was sold in the future. He pointed out that if the property was rezoned that the entire block had the potential to become commercial. He advised that he would make a motion for the request to be denied without prejudice.

Council Member Scarth requested clarification on how the property was originally zoned "ER" Neighborhood Restricted.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, clarified that the western half of the block was "ER" Neighborhood Restricted and the eastern half of the block was "E" Neighborhood Commercial, so the entire block on both the north and south sides of Lovell was zoned for some type of neighborhood commercial. She added that the block was zoned restricted on the west and regular neighborhood commercial on the east, and that there was one lot zoned "C" Multi-family.

Council Member Burdette asked Ms. Burghdoff if the property could be used for what the applicant had requested under the current zoning.

Ms. Burghdoff clarified that the massage therapy was the use that required the rezoning request.

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-09-093 be denied without prejudice. The motion carried unanimously nine (9) ayes to (0) nays.

**9. Zoning Docket No. ZC-09-094 – Home Depot USA, Inc., 8700 South Freeway; from "PD-281" Planned Development for All Uses in "G" Intensive Commercial Plus Outside Storage and Display; Site Plan Required to "E" Neighborhood Commercial and Amend "PD-281" to Reduce Acreage and Parking, and Allow for More Outside Storage and Display Area; Site Plan Included. (Recommended for Approval).**

Mr. David Drake, 511 East John Carpenter Freeway, completed a speaker card in support of Zoning Docket No. ZC-09-088 but did not wish to address the Council.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, clarified that the rezoning was a portion of the Home Depot parking lot for the proposed restaurant use.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-09-094 be approved. The motion carried unanimously nine (9) ayes to (0) nays.

**10. Zoning Docket No. ZC-09-095 – Lazy F. Inc. (Quadrant North Tarrant Partners, LTD.), 8501 Ray White Road; from "FR" General Commercial Restricted to "E" Neighborhood Commercial (Recommended for Approval).**

Council Member Espino expressed appreciation to Ms. Anita James, applicant, for meeting with him to discuss the request.

Ms. Anita James, Applicant, 3225 Cumberland Boulevard, Suite 100, Atlanta, Georgia, 30339, completed a speaker card in support of Zoning Docket No. ZC-09-095 but did not wish to address the Council.

Motion: Council Member Espino made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-09-095 be approved. The motion carried unanimously nine (9) ayes to (0) nays.

**11. Zoning Docket No. ZC-09-096 – Primary Realty Assets LP, 9600 Trinity Boulevard; from "A-5" One-Family and "C" Medium Density Multi-Family to "PD/SU" Planned Development/Specific Use for Mini Warehouse; Site Plan Required. (Recommended for Approval as Amended).**

Mr. Jim Schell, Attorney, representing the applicant, 901 Fort Worth Club Building, appeared before Council in support of Zoning Docket No. ZC-09-096 and requested an amendment to the zoning request. He requested that area two (2) identified as 4.312 acres of proposed Lot 2, Block 1, Trinity Bell Gardens, be deleted and area (3) 9.05 acres of Lot 2, Block 1, Trinity Bell Gardens be approved.

**(ZC-09-096 Continued)**

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-09-096 be approved as amended. The motion carried unanimously nine (9) ayes to (0) nays.

Mr. Schell provided a new legal description of the property for area 3.

**12. Zoning Docket No. ZC-09-097 – AIL Investment L.P., 10001 Old Denton Road and 10280 North Freeway; from "C" Medium Density Multi-Family, "E" Neighborhood Commercial, "J" Medium Industrial (Tract 1) and "J" Medium Industrial (Tract 2) to "G" Intensive Commercial (Tract 1) and "C" Medium Density Multi-Family (Tract 2) (Recommended for Approval).**

Mr. Thad Brundrett, Jacobs Engineering, 777 Main Street, completed a speaker card in support of Zoning Docket No. ZC-09-097 but did not wish to address the Council.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Zoning Docket No. ZC-09-097 be approved. The motion carried unanimously nine (9) ayes to (0) nays.

**13. Zoning Docket No. ZC-09-098 – Poisson Rouge Property Company, 3700 & 3704 Linden Avenue and 3701 & 3705 Byers Avenue; from "A-5" One-Family and "B" Two-Family to "R1" Zero Lot Line/Cluster (Recommended for Denial).**

Mr. David Marshall, representing the Arlington Heights Neighborhood Association, 2221 Ashland Avenue, completed a speaker card in opposition to Zoning Docket No. ZC-09-098 but did not wish to address the Council.

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-09-098 be denied with prejudice. The motion carried unanimously nine (9) ayes to (0) nays.

**14. Site Plan No. SP-09-003 – Christ Chapel Bible Church, 3740 Birchman Avenue; Amended Site Plan for Church Parking and Accessory Buildings (Recommended for Approval).**

Mr. Rick Neves, representing Christ Chapel Bible Church, 3740 Birchman Avenue, completed a speaker card in support of Zoning Docket No. SP-09-003 but did not wish to address the Council.

Mr. Chris Wilde, 1501 Merrimac Circle, Suite 100, completed a speaker card in support of Zoning Docket No. SP-09-003 but did not wish to address the Council.

**(SP-09-003 Continued)**

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Site Plan No. SP-09-003 be approved. The motion carried unanimously nine (9) ayes to (0) nays.

**15. Zoning Docket No. ZC-09-099 – City of Fort Worth Planning & Development, 10300 block of West Cleburne Road; from "B" Two-Family, "R1" Zero Lot Line/Cluster, "CR" Low Density Multi-Family, and "E" Neighborhood Commercial to "A-5" One-Family (Recommended for Approval).**

Motion: Council Member Jordan made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-09-099 be approved. The motion carried unanimously nine (9) ayes to (0) nays.

**16. Zoning Docket No. ZC-09-100 – City of Fort Worth Planning & Development Echo Heights Neighborhood, Generally Bounded by US 287, Parker Henderson Road, Mansfield Highway, and Miller Avenue; from "AG" Agricultural, "A-5" One-Family, "B" Two-Family, "C" Medium Density Multi-Family, "MH" Manufactured Housing, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "F" General Commercial, "I" Light Industrial, "PD-160", "PD-390" Planned Developments to "A-10" One-Family, "A-7.5" One-Family, "A-5" One-Family, "R2" Townhouse/Cluster, "MH" Manufactured Housing, "CF" Community Facilities, "E" Neighborhood Commercial (Recommended for Approval As Amended).**

Motion: Council Member Moss made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-09-100 be approved as amended with appreciation to staff. The motion carried unanimously nine (9) ayes to (0) nays.

**17. Zoning Docket No. ZC-09-101 – City of Fort Worth Planning & Development, South of Avondale Haslet Road, West of Willow Springs Road, North of Velda Kay Lane, and East of Willow Crossing Drive; from "A-5" One-Family to "A-43" One-Family (Recommended for Approval).**

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-09-101 be approved. The motion carried unanimously nine (9) ayes to (0) nays.

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

**ORDINANCE NO. 18873-10-2009**

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

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

**XIX. CITIZEN PRESENTATIONS**

**1. Mr. Joe Don Brandon, P.O. Box 1155, "Complaints Against the City Manager's Office"**

Mr. Joe Don Brandon, P.O. Box 1155, was recognized by Mayor Moncrief but was not present in the Council Chambers.

Mayor Moncrief introduced Mr. Zach Moutaouakil, Owner, Fort Worth Chop House and welcomed him and his special guest to the Council meeting.

Mr. Moutaouakil introduced Mr. Faouzi Chaabi, Mayor of Rabat/Souissi, Morocco and a member of the Moroccan Parliament.

Mayor Moncrief welcomed Mr. Chaabi to the Council Meeting and requested he approach the dais to be introduced to the Council.

**XXI. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:08 p.m.