

PRE-COUNCIL MEETING  
JUNE 3, 1986

MEMBERS ABSENT: MAYOR BOLEN

ITEM:

1. PETITION FOR ESTABLISHMENT OF FORT WORTH IMPROVEMENT DISTRICT NO. 1 (M&C G-6686)

Terry Ryan of Downtown Fort Worth, Inc., made the initial presentation. Mr. Ryan explained that the need for a special improvement district arose from a lack of services to the downtown area and from a concept of instituting centralized management. He explained the concept as one in which financing is accomplished through landlords assessing themselves in order to create funds to provide needed services. Mr. Ryan admitted that everyone was not supportive of the idea but also stated the effort was an honest attempt by private individuals to give the city a positive image.

In his report, Mr. Ryan made reference to site visits made to Tulsa and Denver to compare what is done elsewhere with Fort Worth. He solicited ideas for better suggestions. Reference was made to the SUNSET CLAUSE which would allow for termination of the agreement after 3 years if the project did not work out.

Wetherby: Is the City still included in the assessment? (Ryan: Yes it is. I believe the amount is \$85,000). Wetherby: How would that work for the City? (Ryan: Each month the city would be assessed 1/12 of the total value). (Adkins: The process is contemplated to use City forces or a contract. We could take bidders for a contract, and Downtown Fort Worth, Inc. could be a bidder. The action you are being asked to take is to accept the petitions and ask us (legal) to review them. This is only the beginning of the process).

Lancaster: What percentage of the people paying the revenue agreed to this? (Ryan: Ken will have the exact figures on that).

Ken Devero continued the presentation. He presented a map outlining the area to be affected by the district which consists of 140 blocks. As for the petitions there is a simple majority of the property owners in the district. We have to satisfy 2 of the 3 legal requirements.

Wetherby: What is the exempt land? (Devero: non-profit, Non-taxpaying entities). Wetherby: Did you talk to any churches? (Devero: Yes. St Andrews even signed the petition).

Williams: Were those who did not sign asked to? (Devero: Yes, 2 or 3 times).

Mr. Devero also explained that the City Council would be asked to appoint an advisory board consisting of 30 people. This would satisfy state legislation as well as give people not in the area a chance to participate. Wade has established a schedule to give an idea of the timetable we're working on.

Williams: Do all of the councilmembers have a copy of the schedule? (Adkins:



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I'll make sure everyone has one by this evening). Williams: I want to make sure all councilmembers have a chance to ask any questions they want and understand what's being asked.

## 2. WATER AND WASTEWATER CAPITAL COST RECOVERY REPORT DISCUSSION

Ben Ann Tomayko summarized the report presented by the Water and Wastewater Capital Recovery Committee. She introduced the committee members. She stated that the importance of the report was its depth. The committee members visited the Village Creek Water Treatment Plant for a firsthand look. Mrs. Tomayko said the report that resulted was simple and that the recommendation adhered to the letter of what the committee was charged to do.

Four major items were covered in the report. Among the highlighted items were the access fees should not be implemented until a way is found to pass on costs to customer cities and the proceeds should be placed in 2 dedicated funds with all revenues going into it.

Williams: Since we're talking about capital cost recovery, what would someone outside the City have to do to get a permit. (Mrs. Tomayko: We weren't addressing those outside the City. That's an area for Sam (Nunn). Inside the City the individuals would pay the access fee at the time they apply for the permit). Williams: How do we develop a formula for that access fee? (Mrs. Tomayko: Have the consultants devise a computer program with a 60/40 factor).

Wetherby: Did you do any projections based on zoning or plotting? (Mrs Tomayko: At a meeting with COG, there was a comment that growth was projected to grow 88%. That would put major constraints on our water supply. We don't know when, where, how this growth will take place.) Wetherby: Did you or the consultant come up with estimates of how much many more users could we take on before we say no more? (Mrs. Tomayko: We just know how much capacity we could handle and that was the major concern. (Lancaster: We're over capacity now. So I think the expansion process is necessary. The question is how to pay for it. And assess the fees.

Harry Reed, a consultant from David and Griffith, continued the presentation. He explained the facility access fee is charged to new users of the system for capital investment made. He said these same fees have existed before but under different names. The reasons he stated for the fee included it: charges new users for capital investment, makes it fair to existing customers, and broadens the revenue base and takes the burden off of the rate structure. The fees are based on cost per unit; not system capacity. The cost was based on 60% historical cost and 40% replacement cost. His recommendation was basically the same as the committee's.

Williams: If John Doe Citizen is already hooked up and expansion is needed, will he have to pay for the expansion based on some formula? Will developers fees go into a separate fund? (Mr. Reed: No, sir. The rate will not go up. The goal of the system is to take the burden off the existing user.) (Wetherby: If we have a bonded indebtedness, we will have to pay because we created the increase.)

Bagsby: You said the formula was 60/40, In this capital recovery system, does the pool of money cover maintenance? (Mr. Reed: No. Only money for capital

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expansion). Bagsby: So what you are advocating is a pay as you go system?

Sawey: Maintenance costs are typically related to growth. They're related to other things. If these costs increase that will be because of other things such as regulatory reasons. (Bagsby: Are some of our user cities long-term contracts?) Sawey: All are long-term. Most expire 2000. (Bagsby: You're not recommending putting this in effect before then are you?) (Jim Harris: The City feels strongly that the system not be implemented until the customer cities agree to go along with this. The main reason for this is due to trends. The majority of water treated in Fort Worth will be used by outside sources.) (Harman: The important thing is to relate this to the contracts. If the jurisdiction said they wouldn't agree to this, that would seem to me to say they have no intention of participating. Have all the customer cities seen this report?) (Sawey: They've all received copies of the recommendation but haven't received copies of the entire report.)

Williams: What's our legal options if the customer said they didn't want to pay the fee but still wanted to buy into the system? (Adkins: We would have to review the contract and see what it said. Then we'd try to execute one beneficial to the City of Fort Worth.

Harman: We should let the other cities review the report and come back to council with a schedule on which way to proceed.

### 3. CORPS OF ENGINEERS DRAFT ENVIRONMENTAL IMPACT STATEMENT OF TRINITY RIVER

David Ivory introduced the Corps of Engineers Report and said it was significant because of its impact on the City's policies and procedures.

John Promise, Director of Environmental Resources, COG, made the first part of the presentation. He interpreted the role of the COG as helping to determine if Fort Worth is capable of retaining jurisdiction over the River. He provided 3 alternatives to dealing with the problem. He pointed out selected environmental effects.

Cnclwmn Wetherby: What year does the rains we just had correspond to? (Gary Santerre: We think it may have been a 100-year flood. We're not sure.)

Cnclwmn Wetherby: What is the meeting on the 19th (June) supposed to accomplish? (Mr. Promise: We hope the Strategy Committee will have a response to this report.) Cnclwmn Wetherby: Doesn't it make sense that the Trinity toll road be put on hold until this is done? (Mr. Promise: The Corps is looking to you for direction on that.)

Gary Santerre said briefing on this subject was difficult because of the issues involved and their impact on the present system as well as those of future generations. He said floods could have a profound effect on Fort Worth even though the City is upstream. He showed slides of various points along the Trinity River.

Richard Sawey commented briefly on the report and the situation with the Trinity River. He pointed out that the water quality may not be the essence of what the statement is about--it may be directed more towards the flood plane problems.

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Williams: Based on this, what do you foresee we need to be doing on behalf of Fort Worth? (Sawey: The standards at the wastewater plant will have to become more restricted. I personally see this as a challenge to local governments. If we don't make the decisions someone else will. We need to determine what we'd like to see the Trinity River become and work towards that.)

Lancaster: It concerns me that we're permitting certain development and don't know where the water's going to go. (Santerre: The Corps found there's a cumulative effect of projects as opposed to looking at individual projects.)

There was then a discussion regarding homes located in the Benbrook area. Santerre said there were 3 courses of actions which could be taken based on the presentation. Council could tell staff to enforce one of the scenarios, take no action, or make comments to the Corps. He recommended the following comments be made: 1) the 45 day period given was insufficient; 2) the effects of locating the eye of the storm should be located at various points so the worst scenarios could be seen; 3) the study shouldn't stop at Riverside Drive; and 4) another maximum II scenario needed to be set to vary the levees and channel the work.

Williams: The Mayor would need a briefing on this. The City Manager staff needs to bring recommendations back to Council in the next 2 weeks.

#### 4. REVIEW OF CITY'S RISK MANAGEMENT PROGRAM AND CLAIMS PROCEDURES

Bill Herrington, Risk Manager, gave an overview of the department. He provided a background on the history of how the program evolved. He shared info on claims and litigation pending in the City; figures on possible monies that may have to be paid in regards to them; and implications for the upcoming budget year.

Zapata: When you have an obvious liability, why don't we just go ahead and pay it? (The question you're asking is not as simple as you think.)

Greg Morris, Legal Dept., discussed governmental immunity is difficult to understand. He explained cities may be held immune to an activity that brings harm to someone else. The courts say that cities will be allowed to perform certain functions and won't be held liable for performing them. In 1970 immunity was taken away in 3 areas by Texas Legislature allowing for Tort Claims. Staff instructed Council that the City needed to be consisted on how they dealt with the immunity issue so not to lose it's protection altogether.

#### 5. CONTINUED DISCUSSION OF CURRENT POLICE ISSUES

Police Chief Wyndham reported on the mobile strike forces units deployed. He mentioned a request for increased helicopter patrol usage.

Lancaster: How do you plan to use that. (Wyndham: Basically the same as the strike force.)

Chief Wyndham addressed the organizational direction. He commented that preparing a budget from year to year prohibited you from engaging in a planning process. He stated that the budget he was presently preparing was based on immediate need and that he was only asking for moderate increases because of the

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constraints of the City's budget. He also said he would be coming back to Council with a long-range plan which would be for about 8 years with a 5-year midpoint. He said he would be looking at the way in which units were mobilized.

He detailed components of the plan, and made particular reference to a interjurisdictional task force he hoped to develop.

Lancaster: 1981-83 we had a reduction on crime. Why did we have these significant increases 1984 and 85? (Harman: There are certain crimes that become popular and there are many things that have an affect. The question is what do you want to study?) Lancaster: Whatever the local reasons for this increase we need to determine what it is and do something about it. We have these reserves, I don't think we should wait until October to increase police strength. Let's do it now.

Bagsby: I think we need to work on tracking criminals within the City. (Mr. Bagsby made reference to a program using bumperstickers to identify cars. He said the Council should work on strengthening existing laws instead of making new laws.

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