

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, OCTOBER 5, 2006
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.
2. Receive other information from staff and Boards & Commissions.

**REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

**II. INVOCATION – Elder Greg Burk with Tabernacle of Praise
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held September 21, 2006

IV. CITIZEN PRESENTATION

1. Benbrook Sister Cities, Inc. – Bled, Slovenia Youth Presentation
2. Robert Calloway – Energy Conservation

V. PRESENTATION BY MAYOR AND MEMBERS OF COUNCIL

1. Councilmember Larry Stowe - Discuss Future Relationship with Sister Cities

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2006-04 Adopt Ordinance Rezoning Lot 7, Block 2, Benbrook Estates from “B” One Family District to “CR” Multiple Family Restricted District (213 San Angelo Avenue) **PUBLIC HEARING**

PZ-2006-05 Resolution of Intent to Vacate and Abandon the Portion of Goliad Street Northwest of the Intersection of Goliad Street and Del Rio Avenue **(PUBLIC HEARING)**

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1658 Adopt Ordinance Changing the Street Name of Bluestem Drive to Veterans Parkway (from Southwest Loop 820 to Cook Ranch Road) **PUBLIC HEARING**

G-1659 Appointment to Boards and Commissions

B. CONTRACT

C-222 Allied Waste Service Refuse Contract Extension

C. PURCHASE

P-250 Radio Interoperability System (Funded by State Homeland Security)

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN COMMENTS

X. EXECUTIVE SESSION – Pursuant to Texas Government Code

Section 551.072 – Deliberation Regarding Real Property

1. Consider Counter Offer for Drainage Easement at 4009 Dawn Drive
2. Consider Counter Offer for Drainage Easement at 4100 Mary's Creek Drive
3. Consider Counter Offer for Drainage Easement at 4020 Tara Drive
4. Consider Counter Offer for Drainage Easement at 8520 La Jolla Court

XI. RECONVENE FROM EXECUTIVE SESSION

Necessary Action from Executive Session

XII. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 21, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, September 21, 2006 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Keith Bailey
John Vander Pan
Ron Sauma
James Schull
Larry Stowe

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
Andy Wayman, Assistant City Manager
David Ragsdale, Comptroller
Sherri Newhouse, Budget Director

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Charlotte Vander Pan
Patty Bissey
Ron and Sandy Rainey
Joel Peal
Danny and Marilyn Perkins
Scott Roberson
Pamela Brandenburg
Bill Smith
Daniel Tully
Charlie Anderson
Ed Wilsberg
Karen Ellis
Sam Balkum
and 5 other citizens

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Sakal Kiv with Trinity Hills Baptist Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held September 7, 2006

Motion by Mr. Stowe, seconded by Mr. Sauma to approve the minutes of the regular meeting held September 7, 2006 as presented.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. CITIZEN PRESENTATION

1. Benbrook Sister Cities – Ballymoney Youth Presentation

Danny Perkins, President of Benbrook Sister Cities, Inc. gave a video presentation of the Ballymoney Youth visit to Benbrook in July 2006.

2. Joel Peal, Benbrook Community Center/YMCA – City of Benbrook Participation in FitFuture Tarrant County

Joel Peal, Executive Director on the Benbrook Community Center/YMCA requested the City of Benbrook to enter into agreement to participate in the FitFuture program. The goal of this program is to unite individuals, schools, health care professionals, governments, community organizations, faith communities and employers to share responsibility and accountability for creating a healthier Texas. The FitFuture Tarrant County partners include; the United Way of Tarrant County, the City of Fort Worth Public Health Department, the Tarrant County Public Health Department, the University of North Texas Health Science Center and the YMCA.

Motion by Mr. Schull, seconded by Mr. Sauma to enter into a letter of agreement with FitFuture Tarrant County.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull

Noes: None

Motion carries unanimously.

3. Scott Roberson, President of Market Center Bingo, Inc. – Request Waiver for Select Public Buildings Regarding Smoking Ordinance

Mr. Scott Roberson, President of Market Center Bingo, Inc. addressed City Council with a request for an exemption from the Smoking Ordinance taking effect November 1, 2006. Mr. Roberson stated that 70% of the patrons playing Bingo at Market Center Bingo are smokers. He stated the no smoking ban in Benbrook will cause those patrons to seek other facilities located in other cities. He stated unless the City of Fort Worth passes a similar no smoking ban, Market Center Bingo and its local charities will see a decline in attendance and revenues.

Following discussion, it was the consensus of City Council to place this item on a worksession agenda for September 28, 2006.

V. BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2006-03 Ratify Benbrook Economic Development Corporation Budget for FY 2006-2007

Mr. Ron Rainey presented the Benbrook Economic Development Budget for 2006-2007. This budget was adopted by the Corporation on September 18, 2006.

Personnel Services: This category itemizes expenses associated with employees and includes salaries, stability pay, FICA, insurance, retirement, workers' compensation, Texas Employment Commission and incentive pay.

\$212,912

Supplies & Material: Expenses associated with office supplies as well as motor vehicle supplies is included in this category.

\$3,450

Contractual Services: Professional services, legal fees, engineering expenses, travel, utilities (telephone) and Dues & Memberships along with other items such as Training and City Contract for office space rent are listed in this budget category.

\$182,975

Repairs & Maintenance: Auto maintenance, which includes car washes, oil & lubes and vehicle inspections, is reported in Repairs & Maintenance, along with any office equipment repairs.

\$800.00

Capital Outlay: Acquisition of land is included in Capital Outlay. The BEDC Board of Directors has identified potential sites for BEDC purchase and includes those presented in the August 21 Public Hearing.

\$4,850,000

Special Projects are:

- a. Land along the north side of I-20, east of Winscott Road
- b. Ridglea Industrial Park property on Vickery Loop East and Vickery Loop West
- c. Property located on the east side of Benbrook Blvd. north and south of Winscott Road
- d. Land between the north I-20 frontage road and Old Benbrook Road
- e. City of Benbrook/Texas Department of Transportation rights-of-way at Goliad north of Del Rio

Professional Services: The major item will be principal payment of \$3,840,000 to First Bank following the real estates sale to Wal-Mart and/or Home Depot. Interest expenses on the First Bank loan are included and may be reduced should the real estate closing occur early in the fiscal year. A portion of this category includes Benbrook Spotlight in Marketing Venues.

\$4,134,250

Following discussion regarding the incentive pay, motion by Mr. Schull, seconded by Mr. Sauma to ratify the Benbrook Economic Development Corporation budget for FY 2006-2007.

Vote on the Motion:

Ayes: Mayor Dittrich, Mr. Vander Pan, Mr. Sauma, Mr. Schull, Mr. Bailey

Noes: Mr. Stowe

Motion carries 5-1

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1654 Financial Report for Month Ending August 31, 2006

Mr. Conklin gave the following report: General fund revenues for the month of August totaled \$484,526. Through August, total collections were \$10,862,967 or 99% of the amount budgeted.

General fund expenditures for August totaled \$713,593. Through August, total expenditures were \$9,774,918 or 88% of the original budget. At August 31, revenues exceeded expenditures by \$1,088,049.

August revenues for BEDC were \$832,526. Expenditures were \$63,219. Through the end of August, revenues exceeded expenditures by \$332,461.

Investments at August 31, 2006 were \$10,674,124.

Motion by Mr. Bailey, seconded by Mr. Stowe to accept the financial report for the month ending August 31, 2006.

Vote on the Motion:

Ayes: Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mayor Dittrich

Noes: None

Motion carries unanimously.

**G-1655 Adopt Ordinance Approving Budget Figures for Fiscal Year
2006-2007**

Ms. Newhouse gave the following report:

2006-2007 Revenues

–General Fund\$12,015,550
–Debt Service Fund\$ 1,239,474
–Operating Funds\$13,255,024

2006-2007 Expenditures

–General Fund\$12,015,550
–Debt Service Fund\$ 1,239,474
–Operating Funds\$13,255,024

Variance between expenditures and revenues

–General Fund \$0
–Debt Service Fund \$0
–Operating Funds \$0

•Projected Ending Fund Balances

–General Fund \$5,048,477
–Debt Service Fund \$ 101,173
–Operating Funds \$5,149,650

Proposed Ad Valorem Tax Rates (Per \$100 valuation)

–General Fund \$0.615346
–Debt Service Fund \$0.107154
–Operating Funds \$0.722500

Base Budget Requests

–Continuation of Current Services

- Step Increases for Eligible Employees
- Up to 15% Increase in Employee Insurance
- Replacement of Four (4) Police Vehicles
- Debt Service Principal and Interest (as of 10/01/06)
- Continuation of Current Fee Structures
- Funding of TIF in Non-Departmental

Decision Packages - Funded in City Manager's Proposal

- Outsource Document Imaging for Large Plat Files -\$7,000
- Document Imaging Software for User Departments -\$22,500
- Replacement of Staff Car with Hybrid Sedan -\$22,000
- Four Computer Systems for Communications/Records -\$4,400
- Six Patrol Vehicle Light Bars -\$11,400
- Six Hand-Held Radios for Patrol -\$ 3,900
- Computer System for Jail Booking Area -\$1,100
- Four Closed Circuit Cameras for Patrol -\$5,500
- Eight Tactical Entry Vests for Patrol -\$8,800
- LIDAR Accident Investigation Tool for Patrol -\$2,895
- Three Full-Time Fire Fighters -\$189,556
- One Chassis for Fire Brush Truck -\$36,250
- Replacement of Fire Station Generator -\$15,000
- Maintenance of Outdoor Warning Sirens -\$4,300
- Concrete Saw for Public Works -\$18,500
- Light Pole Replacement for Parks -\$19,000
- Utility Vehicle for Parks -\$8,400
- Citizen Opinion Telephone Survey -\$10,000

Decision Packages –Approved by City Manager

- Preliminary Engineering for Benbrook Boulevard -\$252,000
- Storm water Utility Feasibility/Implementation -\$121,000
- Re-Classification of Development Coordinator -\$4,633

Decision Packages –Not Approved by City Manager

- Fourth Full-Time Fire Fighter -\$63,186
- Replacement of Second Chassis for Fire Brush Truck -\$36,250
- ISO Consultant for Fire Department -\$17,400
- EMS Billing Software and Computers -\$30,575
- Additional Field Service Position for Parks -\$44,696

City Council Review

- Reduction of Property Tax Rate from the current rate of \$0.7425 to \$0.7225 (each one cent equals approximately \$115,203)
- 3.00% Cost of Living Salary Adjustment for Full-Time Employees (approximately \$72,669 per each 1.00% increase) -\$218,009
- Severance Pay for Retiring City Manager -\$48,076 (includes fringe benefits)

- Establish Wireless Hardware Fund -\$75,000
- Funds for EMS Software and Computers for Fire Department -\$30,575
- Establishment of Engineering Department -\$82,761
- Reduction of Funds for Preliminary Engineering for Benbrook Boulevard Project (only \$100,000 of \$252,000 included); reflects reduction of revenue by \$252,000
- Animal Shelter Renovations - \$12,500

Motion by Mr. Vander Pan, seconded by Mr. Schull to adopt Ordinance No. 1216 approving the budget figures for fiscal year 2006-2007.

Vote on the Motion:

Ayes: Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Vander Pan

Noes: None

Motion carries unanimously.

Ordinance No. 1216 being **“AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, APPROVING BUDGET FIGURES FOR THE FISCAL YEAR 2006 THROUGH 2007; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT AND ACCOUNT; ACCEPTING AND APPROVING THE EMPLOYEE CIVIL SERVICE CLASSIFICATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.”**

G-1656 Adopt Ordinance Fixing and Levying Ad Valorem Taxes for Year 2006

Motion by Mr. Sauma, seconded by Mr. Stowe to adopt Ordinance No. 1217 fixing and levying Ad Valorem taxes for Year 2006.

Vote on the Motion:

Ayes: Mr. Sauma, Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Vander Pan, Mr. Schull

Noes: None

Motion carries unanimously.

Ordinance No. 1217 being **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007, AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT THE RATE OF \$0.7225 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUE ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF BENBROOK, TEXAS, AS OF JANUARY 1, 2006, TO PROVIDE REVENUES FOR THE**

PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST IN DEBT SERVICE FUNDS ON ALL OUTSTANDING DEBTS OF THE CITY; DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR PLACE OF PAYMENT; PROVIDING FOR APPROVAL OF THE TAX ROLLS PRESENTED TO THE CITY COUNCIL; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.”

G-1657 2006-2007 Hotel/Motel Tax Allocation

Each year City Council solicits applications for the use of Hotel Motel Occupancy Tax (HMOT) funds. This year, staff sent request for proposals to seven organizations and received four proposals in return: Motel 6, Benbrook Area Chamber of Commerce, VSA (Very Special Artist) and Benbrook Sister Cities.

Motel 6 requested \$5,700 for advertising. The Benbrook Chamber of Commerce requested \$45,433 to fund the Visitor Center and the salary of the Tourism Director. Very Special Artist requested \$4,200 for a number of workshops, and Benbrook Sister Cities asked for \$8,625 to continue the Bled and Ballymoney programs.

On Tuesday, September 5, City Council met for a HMOT distribution worksession. After lengthy deliberation, Council reached an unbinding consensus for the following funding:

Organization	Purpose	Funding
Motel 6	Advertising	\$5,700
VSA	Art Workshops	\$4,200
Benbrook Chamber	Visitor Center & Tourism Director	\$45,433
Benbrook Promotions Fund	Promotional Items	\$5,000

Motion by Mr. Vander Pan, seconded by Mr. Sauma to approve the 2006-2007 Hotel/Motel tax allocations as presented.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

B. CONTRACT

C-221 Award Contract for Employee Dental Insurance

Ms. Newhouse gave the following report: Since November 2004, Metropolitan Life Insurance (MetLife) has provided dental insurance to City employees and their dependents.

Current Plan with MetLife

Monthly Premium

Employee	\$22.26
Family Coverage	\$50.60
Spouse Coverage	\$25.46
Children Coverage	\$26.16

Benefits – Co-payments/Deductibles

Preventative/Diagnostic	\$0.00/\$0.00
Basic	80%/\$50-\$150
Major	50%/\$50-\$150
Orthodontia	Not Covered
Annual Maximum	\$1,000

Dentists

Indemnity Plan – Any Dentist
Reimbursement at 90th Percentile

Preferred Dentist Program (Optional)
Discounts ranging from 10% to 35%
One participating Benbrook Dentist

MetLife's Proposed Renewal

No Increase to premiums
Continuation of current services
No changes in benefits
No changes in co-payments or deductibles

Staff Recommendation

Renew contract with MetLife
Effective November 1, 2006
No changes in benefits, services, deductibles and co-payments
Continue subsidy for family coverage at \$13.76 per month
City pays 100% of employee premium

Funding

Annual cost of premium and family subsidy \$32,899 for a savings of \$7,172 from 2006-2007 budget allocation of \$40,071

Motion by Mr. Schull, seconded by Mr. Bailey to award MetLife the contract for employee dental insurance as presented.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN COMMENTS

Charlie Anderson commended City Council on the reduction in ad valorem taxes. Mr. Anderson spoke on behalf of the incentive program set for the BEDC Executive Director.

Mr. Sam Balkum expressed appreciation to the City Council for support of the Visitor Center. Mr. Balkum announced the second Annual 12 square mile Citywide garage sale on October 21, 2006.

X. ADJOURNMENT

Meeting adjourned at 8:45 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/05/06	REFERENCE NUMBER: PZ-2006-04	SUBJECT: Adopt Ordinance Rezoning Lot 7, Block 2, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (213 San Angelo Avenue)	PAGE: 1 of 3
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**Z – 06 – 04 STAFF REPORT
TO PLANNING AND ZONING COMMISSION
SEPTEMBER 14, 2006**

SUBJECT PROPERTY: Lot 7, Block 2, Benbrook Estates

LOCATION: Planning Area "C", 213 San Angelo Avenue

OWNER/APPLICANT: Thomas Johnson
Benbrook

AREA: 11,900 square feet, 0.273 acre

CURRENT ZONING: "B" One Family District

LAND USE PLAN REFERENCE: Medium Density Multiple Family Residential

PROPOSED ZONING: "CR" Multiple Family Restricted District (Duplex)

Planning Review

The City Planning staff has reviewed the rezoning application and offers the following:

1. The Land Use Plan indicates Medium Density Multiple Family Residential for the subject property. The proposed "CR" Multiple Family Restricted District is compatible with the Land Use Plan.
2. Lot 7 is currently occupied with two outbuildings that are anticipated to be removed with new duplex construction.
3. Benbrook Estates is the oldest neighborhood in the City and was platted in 1946, prior to the City's incorporation. Single-family and multi-family housing units have been built in the area throughout the life of the subdivision. However, since the late 1980's, new construction has been predominately multi-family with approximately 24 new multi-family dwelling units compared to approximately ten new single-family units.
4. The adjacent lot north of Lot 7 is zoned "B" One Family District and the adjacent lot to the south is zoned "CR" Multiple Family Restricted District. The lot on the west side of San Angelo Avenue is zoned "B" One Family District and the vacant tract east of Lot 7 is zoned "E" Commercial District. [\(picture attached\)](#)

SUBMITTED BY: Cary Conklin	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 10/05/06	REFERENCE NUMBER: PZ-2006-04	SUBJECT: Adopt Ordinance Rezoning Lot 7, Block 2, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (213 San Angelo Avenue)	PAGE: 2 of 3
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5. Section 211.004 of the Texas Local Government Code requires that "Zoning Regulations must be adopted in accordance with a comprehensive plan..." The proposed rezoning conforms with the Land Use Element of the Comprehensive Plan, which shows the subject property as Medium Density Multiple Family Residential. The Medium Density Multiple Family Residential use is compatible with existing and anticipated uses in the area.

Recommendation

It is recommended that the Planning and Zoning Commission recommend that the City Council approve the rezoning of Lot 7, Block 2, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District. ([Ordinance attached](#))

**UNAPPROVED MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 14, 2006**

The Chair introduced the item and asked for a presentation from the applicant.

Thomas Johnson, 9029 Sirocka Drive, said he is requesting the approval of the proposed rezoning for 213 San Angelo Street. He said San Angelo Street has a civic center, office and storage buildings, auto repair business, and seven duplexes mixed in with single-family dwellings, making it a true mixed-use street. There are now almost as many families living in duplexes as there are in single-family dwellings on the street.

Mr. Johnson said he intends to build a duplex with the same architectural style as the new duplexes he is currently building at 206 and 216 San Angelo Street. The new duplex proposed at 213 San Angelo Street will have approximately 3,300 square feet under roof and will incorporate materials that exceed in quality of many of the surrounding structures. Mr. Johnson said this duplex would not only raise the tax base for the City of Benbrook, it will help improve one of the oldest streets in the City.

The Chair asked for any comments or questions from the Commission. There being none, the Chair asked for a report from Staff.

Ed Gallagher said Thomas Johnson is the owner of Lot 7 of Block 2 in the Benbrook Estates subdivision and is the applicant in the Z-06-04 consideration to change the zoning district classification of Lot 7 from "B" One Family District to "CR" Multiple Family Restricted District that would permit duplex residential construction on the lot at 213 San Angelo Avenue.

Mr. Gallagher said the Benbrook Estates subdivision is the oldest in Benbrook, having been platted in 1946, a year prior to the incorporation of the City. For the past 50 plus years, the neighborhood has had a mix of one and two-family dwellings. Recent new construction has been mixed but predominately two-family dwellings.

The proposed rezoning is compatible with the Land Use Plan calling for Medium Density Multiple Family Residential use, thus meeting requirements of Section 211.004 of the Texas Local Government Code,

DATE: 10/05/06	REFERENCE NUMBER: PZ-2006-04	SUBJECT: Adopt Ordinance Rezoning Lot 7, Block 2, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (213 San Angelo Avenue)	PAGE: 3 of 3
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Mr. Gallagher said Staff recommends that after conducting a public hearing, the Planning and Zoning Commission recommend that the City Council approve the rezoning of Lot 7, Block 2, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:35 p.m., and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:36 p.m. and asked for any comments, questions, or a motion from the Commission.

Mr. Shah asked if the zoning was changed on 206 and 216 San Angelo Street where Mr. Johnson said he is currently building duplexes. Mr. Gallagher said a building permit would not have been issued without the rezoning, which took place approximately two years ago.

There being no further questions or comments from the Commission, the Chair asked for a motion.

Motion by Mr. Valverde that the Planning and Zoning Commission recommend the City Council approve the rezoning of Lot 7, Block 2, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District. Second by Dr. Marshall. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Ramsey, Mr. Valverde, Mr. Morrill, Mr. Early, Ms. Price, Mr. Dawson, Mr. Shah, Dr. Marshall, and Mr. Bolton

Noes: None

Motion carried 9 – 0



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/05/06	REFERENCE NUMBER: PZ-2006-05	SUBJECT: Resolution of Intent to Vacate and Abandon the Portion of Goliad Street Northwest of the Intersection of Goliad Street and Del Rio Avenue	PAGE: 1 of 5
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**G – 06 – 05 STAFF REPORT
TO PLANNING AND ZONING COMMISSION
SEPTEMBER 14, 2006**

The Benbrook Economic Development Corporation proposes the closure of the segment of Goliad Street that extends northwest from the intersection of Goliad Street and Del Rio Avenue, and the easterly connection of Goliad Street to the eastbound frontage road of Interstate 20, including the vacation of the public right-of-way. ([Application attached.](#))

History

This section of Goliad Street originally was dedicated as street right-of-way with the 1946 subdivision plat of Benbrook Estates. The balance of the right-of-way that accommodates the reverse connection to the eastbound frontage road was acquired by the Texas Department of Transportation in the early 1970s, for the U.S. Highway 377 interchange with Interstate Highway 20.

The Benbrook right-of-way is approximately 9,840 square feet. The TxDOT right-of-way is approximately 3,235 square feet.

Request Summary ([Maps attached](#))

The street vacation application is presented by the Economic Development Corporation on behalf of N3 Capital, LLC, the owner of Lot 1R2, Block 1, Benbrook EDC Addition. N3 Capital is attempting to locate a restaurant on Lot 1R2 and needs additional land to meet restaurant parking requirements. The street vacation request indicates that N3 has a contract to acquire three lots on the north side of Goliad Street to accommodate additional parking and the vacated street right-of-way will connect the two sites and provide a portion of the additional parking.

Traffic Impact

The street vacation application is accompanied by a Traffic Impact Analysis that presents the volume of turning movements at the Del Rio Avenue/Goliad Street intersection, the Del Rio Avenue/San Saba Avenue intersection, and the traffic volume using the segment of Goliad Street proposed for vacation. The study indicates a relatively small number of vehicles using the Goliad Street connection to the eastbound frontage road. The traffic study also indicates the expected traffic volumes that are likely on two alternate routes to the eastbound frontage road with the proposed closure of the segment of Goliad Street. The expected volumes on each of the alternate routes are relatively low.

SUBMITTED BY: Cary Conklin	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 10/05/06	REFERENCE NUMBER: PZ-2006-05	SUBJECT: Resolution of Intent to Vacate and Abandon the Portion of Goliad Street Northwest of the Intersection of Goliad Street and Del Rio Avenue	PAGE: 2 of 5
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Other Considerations

1.	The vacation of the street right-of-way by the City does not accomplish the objectives of the Economic Development Corporation without concurring vacation of TxDOT right-of-way by the State. Likewise, the vacation of TxDOT right-of-way without vacation of the street right-of-way does not reach the objective. Neither right-of-way should be vacated without the other. The vacation of the TxDOT right-of-way is a lengthy process, normally taking 12 to 18 months and requiring approvals at the Fort Worth District office and several TxDOT offices in Austin. TxDOT will not start the lengthy process without favorable consideration by the City regarding the vacation of the street right-of-way.
2.	The vacation of right-of-way by the City requires compensation by the grantee for the value of the land involved as well as the value of any City improvements in the right-of-way. The consideration of the compensation is part of the overall process with the actual values determined by the City Council.
3.	Right-of-way is vacated from the centerline in favor of the adjoining property owners. A consideration of the right-of-way vacation should be that the vacated areas be incorporated into a replat, creating a single lot of record for the proposed restaurant site.
4.	Utility facilities located in a right-of-way do not require easements. A condition of vacation should be that adequate easements meeting utility requirements be dedicated on a future replat for all utility facilities located in the vacated right-of-way area.

Recommendation

Based on the Traffic Impact Analysis, it is recommended that the Planning and Zoning Commission recommend that the City Council approve a [resolution](#) of intent to vacate and abandon Goliad Street northwest of the intersection of Goliad Street and Del Rio Avenue, with the resolution providing for future vacation of the right-of-way subject to:

1.	the vacation of adjacent TxDOT right-of-way,
2.	compensation determined by the City Council, and
3.	replatting of all vacated right-of-way into a lot of record with the dedication of adequate easements for all utility facilities.

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**UNAPPROVED MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 14, 2006**

The Chair introduced the item and asked for a presentation from the applicant.

DATE: 10/05/06	REFERENCE NUMBER: PZ-2006-05	SUBJECT: Resolution of Intent to Vacate and Abandon the Portion of Goliad Street Northwest of the Intersection of Goliad Street and Del Rio Avenue	PAGE: 3 of 5
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Ron Rainey, Executive Director of Benbrook Economic Development Corporation, gave a brief history of the property at the intersection of Goliad Street, Del Rio Avenue, and Benbrook Boulevard, that the EDC had purchased and marketed for over five years. Mr. Rainey said the property was sold to N3 Capital, who developed the property, has a ground lease with Starbucks on a portion of the site, and still has approximately 51,000 square feet of property. He said N3 Capital is marketing to national restaurant chains but has found that although the property has enough space for adequate parking to meet City of Benbrook zoning requirements, national restaurant chains ask for much more space for parking.

Mr. Rainey said N3 Capital and the EDC have found that the only way to meet the requests of the restaurant chains is to incorporate three tracts owned by Gene Buckner, just east of the N3 Capital property, and close Goliad Street to expand a parking lot across the properties.

Mr. Rainey said the firm of Turner, Collie, and Braden was hired to do a traffic impact analysis to determine how heavy the traffic is on Goliad Street and the effect of the closure. He said the numbers were very low, in the range of less than 100 per day. On behalf of N3 Capital, the EDC has submitted an application with Texas Department of Transportation to close the street and allow another drive approach to the east end of the property and sell to the EDC the surplus right-of-way, once the street is closed. TxDOT has informed them the process takes approximately 12 to 18 months for approval and wants the approval from the City of Benbrook City Council before proceeding with the application.

Mr. Rainey said the application submitted to the Planning and Zoning Commission was on behalf of N3 Capital. He said he discovered last week that the "option to purchase" contract N3 Capital had with Gene Buckner was cancelled. He said the contract was a long-term option that the Buckner family felt had gone on long enough. Mr. Rainey said he met with the Buckners, on behalf of the EDC, and submitted a purchase contract for their review. He said the EDC Board will consider acquisition of the three tracts at their September 18, 2006 meeting and at some time, the EDC may partner with N3 Capital in trying to bring a restaurant to the site.

Following discussion between Mr. Rainey and the Commission on the lot size and access to the site, the Chair asked for a report from Staff.

Ed Gallagher said the Benbrook Economic Development Corporation is the applicant proposing the closure of the segment of Goliad Street that extends northwest from the intersection with Del Rio Avenue. The application for the street closure also includes the vacation of the street right-of-way. The Economic Development Corporation is also requesting the Texas Department of Transportation vacate a portion of State right-of-way and close the pavement connection from the northwest end of Goliad Street to the Interstate 20 eastbound frontage road.

The street vacation application was submitted by the Economic Development Corporation on behalf of N3 Capital, LLC, the owner of Lot 1R2, Block 1, Benbrook EDC Addition. N3 Capital is attempting to locate a restaurant on Lot 1R2 and needs additional land to meet restaurant-parking requirements. The street vacation request indicated that N3 had a contract to acquire three lots on the north side of Goliad Street to accommodate additional parking and the vacated street right-of-way will connect the two sites and provide a portion of the additional parking in a resulting restaurant lot. Mr. Rainey just indicated that N3 no longer has a contract to acquire the lots north of Goliad Street but the EDC has submitted a contract to purchase the lots.

Mr. Gallagher said part of the street vacation application is a traffic impact analysis that indicates the volume of vehicle turning movements at the Del Rio Avenue/Goliad Street intersection, the Del Rio

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Avenue/San Saba Avenue intersection, and the volume using the portion of Goliad Street involved in the street vacation request. He said the information in the traffic study reflects a relatively small number of vehicles using the street section in the vacation application. The traffic study also examines two alternate routes to reach the eastbound frontage road and projects relatively low traffic volumes for each of the alternate routes.

The corresponding vacation of right-of-way by the State normally takes 12 to 18 months and is part of the Economic Development Corporation's objective. Mr. Gallagher said from the City standpoint, as well as the State's, each right-of-way vacation should be contingent on the other and both should occur at the same time. TxDOT will not start the process without a favorable indication from the City.

Mr. Gallagher said the Commission should conduct a public hearing regarding the proposed street closure consideration. Based on the traffic impact analysis, Staff recommends that the Planning and Zoning Commission recommend the City Council approve a resolution of intent to vacate and abandon Goliad Street, northwest of the intersection of Del Rio Avenue, with the future vacation being subject to corresponding right-of-way vacation by TxDOT, standard compensation to the City, and replatting of the vacated area into a lot of record, including adequate utility easements.

The Chair asked if notices were sent to the adjacent property owners. Mr. Gallagher said notices were sent to all owners of record on the tax roll for all properties north of Mercedes Street in Benbrook Estates and notices were published in the newspaper.

The Chair asked for any questions or comments from the Commission. Dr. Marshall asked if 18 months is the earliest anything could happen on the property, according to TxDOT's normal timeframe. Mr. Gallagher said yes, it would take 12 to 18 months for TxDOT approval.

Mr. Shah asked about an existing fire hydrant and why there is nothing in the Staff report that mentions who would be responsible for moving the hydrant. Mr. Gallagher said that would be a platting issue and utilities would be addressed at that time.

Ms. Price asked if it were possible to require another street for access to I-20, rather than going back to Benbrook Boulevard. Discussion followed between the Commission, Staff, and Mr. Rainey.

The Chair asked for any additional comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:55 p.m., and asked if anyone wished to speak for or against the item.

Larry Bishop, 3111 Shady Lane, Granbury, said he works for Turfgrass America and the area being considered for closure is the street they use 90 percent of the time to enter on to the frontage road of I-20. He said of the 50 to 100 vehicles that use the street, probably 50 percent of that are Turfgrass America trucks.

Mr. Bishop said there are a lot of cars that park on Goliad Street that make it very difficult to turn north on San Angelo Street to enter the I-20 frontage road. He said if they do make the turn, they are traveling about 10 miles an hour with heavy equipment when they enter the interstate, making it very dangerous. Mr. Bishop said they run about 35 to 40 trucks on the Goliad Street section in consideration, not including John Deere's trucks on their lot across the street from Turfgrass.

Their being no further speakers, the Chair closed the public hearing at 8:00 p.m. and asked if the Commission had any comments, questions, or a motion.

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Mr. Shah said Mr. Bishop's concern is very valid, but for safety reasons, the truck drivers could travel the eastbound frontage road and enter I-20 east of Winscott Road.

There being no further comments or questions, the Chair asked for a motion.

Motion by Mr. Valverde to recommend that the City Council approve a resolution of intent to vacate and abandon Goliad Street, northwest of the intersection of Del Rio Avenue, with the future vacation being subject to corresponding right-of-way vacation by TxDOT, standard compensation to the City, and replatting of the vacated area into a lot of record, including adequate utility easements. Second by Mr. Shah. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Morrill, Mr. Early, Ms. Price, Mr. Dawson, Mr. Shah, Dr. Marshall, Mr. Bolton, and Mr. Ramsey

Noes: None

Motion carried 9 – 0



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/05/06	REFERENCE NUMBER: G-1658	SUBJECT: Adopt Ordinance Changing the Street Name of Bluestem Drive to Veterans Parkway (from Southwest Loop 820 to Cook Ranch Road)	PAGE: 1 of 1
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At the August 17, 2006 meeting, the City Council considered the renaming of a street in Benbrook to Veterans Parkway to recognize the service of military veterans to our nation. The City Council approved a motion to direct the staff to draft an ordinance renaming the entirety of Bluestem Drive to Veterans Parkway, schedule a public hearing, and notify affected property owners and other affected parties of the proposed change. Bluestem Drive currently has no residences or businesses using the name as part of an address making it the least disruptive street to designate Veterans Parkway.

On September 1, 2006, staff mailed approximately 30 letters explaining the proposed name change and noting a public hearing date of October 5, 2006. Letters were mailed to adjacent property owners, utility suppliers, postal officials, Tarrant County 911 and emergency responders, and other affected parties. Staff published the notice of the name change consideration and public hearing on September 14. The staff has received no negative response to the letters or publication.

After approval, the ordinance will be recorded in the records of the Tarrant County Clerk and letters noting the results of the City Council action and a copy of the recorded ordinance will be mailed to the parties that were notified of the consideration and additional interested parties. The Street Department will erect new street identification signs at the affected intersections. Although scheduled for approval October 5, 2006, the effective date of the ordinance and official name change is January 1, 2007 to allow for notifications and a transition period.

RECOMMENDATION

Staff recommends that after a public hearing the City Council approve the ordinance changing the name of Bluestem Drive to Veterans Parkway.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/05/06	REFERENCE NUMBER: G-1659	SUBJECT: Appointment to Boards and Commissions	PAGE: 1 of 3
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Noted below is a summary of terms expiring on the various City Boards and Commissions. Their terms expire on October 31, 2006.

Planning & Zoning Commission

Place 2	Bret Early
Place 4	John Dawson
Place 6	George Bolton
Place 8	Larry Marshall

The City received applications for reappointment from all current members.

Zoning Board of Adjustment/Board of Appeals

Place 2	Clark Penas
Place 4	William Collins
Alternate B	Connie Gotcher
Alternate C	Marvin Rhodes

The City received applications for reappointment from all current members.

Parks & Recreation Board

Place 2	Nathan Wright
Place 4	Karen Henderson
Place 6	Joe Sherwin

The City received applications for reappointment from Ms. Henderson and Mr. Sherwin. Mr. Wright is not seeking reappointment.

Benbrook Economic Development Corporation

Place 2	James Schull
Place 4	Charles Anderson
Place 6	Rickie Allison

The City received an application from Mr. Anderson. Mr. Schull and Mr. Allison are Councilmember appointments.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 10/05/06	REFERENCE NUMBER: G-1659	SUBJECT: Appointment to Boards and Commissions	PAGE: 2 of 3
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Tax Increment Financing Zone Board of Directors

Place 2 Dave Gattis
Place 4 Fred Evans

Both Mr. Gattis and Mr. Evans have expressed a willingness to continue to serve.

The City advertised a formal notice to accept applications for Boards and Commission appointments in the official newspaper (Benbrook News) as well as the Fort Worth Star Telegram. The announcement was also placed on the City Channel of Charter Communications, City Home Page, and the quarterly Newsletter. The deadline for receiving applications was August 21, 2006.

Applications received for appointment to a Board or Commission are noted below.

<u>Citizen</u>	<u>Board or Commission Preference</u>	<u>Current Office</u>
Bret Early	1. Planning & Zoning	Planning & Zoning
John Dawson	1. Planning & Zoning	Planning & Zoning
George Bolton	1. Planning & Zoning	Planning & Zoning
Larry Marshall	1. Planning & Zoning	Planning & Zoning
Clark Penas	1. EDC 2. ZBA/Appeals Board 3. Tax Increment Financing Board	ZBA/Appeals Board
William Collins	1. ZBA/Appeals Board	ZBA/Appeals Board
Marvin Rhodes	1. Planning & Zoning 2. ZBA/Appeals Board	ZBA/Appeals Board
Connie Gotcher	1. ZBA/Appeals Board	ZBA/Appeals Board
Karen Henderson	1. Park & Recreation	Park & Recreation
Joseph Sherwin	1. Park & Recreation	Park & Recreation
Charles Anderson	1. EDC	EDC
Carroll Crombie	1. EDC 2. Planning & Zoning	

DATE: 10/05/06	REFERENCE NUMBER: G-1659	SUBJECT: Appointment to Boards and Commissions	PAGE: 3 of 3
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Citizen

**Board or Commission
Preference**

Current Office

Joseph Hughes	1. Planning & Zoning	
Michael Leach	1. Park & Recreation Board	
Matthew Hudman	EDC Park & Recreation Planning & Zoning	
Teresa Robinett	1. EDC	
Jack Adler	1. EDC 2. Planning & Zoning 3. Tax Increment Financing Board 4. ZBA/Appeals Board	

Application Review and Council Interviews

City Council reviewed the applications for Boards and Commissions at their September 7, 2006 regular City Council meeting and scheduled interview session with each of the candidates.

City Council completed the interviews on September 25, 2006.

RECOMMENDATION

Staff recommends that City Council make the necessary appointments to the various Boards and Commissions for a term to expire October 31, 2008.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/05/06	REFERENCE NUMBER: C-222	SUBJECT: Allied Waste Service Refuse Contract Renewal	PAGE: 1 of 2
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BACKGROUND

Allied Waste Services (and its preceding companies) has served as Benbrook's refuse and recycling hauler under the current contract since 1990. Over this 16 year period, Benbrook citizens have consistently praised Allied's service and the City's contract provisions. In particular, residential customers enjoy Benbrook's premium combination of weekly bulk and brush collection, optional second pick-up (yellow bag program), and uniform collection day (Wednesday). The City's contract agreement with Allied expires on December 31, 2006. Allied is requesting a five year extension to begin on January 1, 2007.

CONTRACT EXTENSION

Allied has not received a rate adjustment since March, 1998. As a result, Benbrook's rates are well below market (commercial rate comparison attached). After extensive negotiations with City staff, Allied requests phased rate adjustments (attached) as summarized below:

Residential Service - Increase from \$9.42 to \$10.36 per month (9.8% increase). Upon written request, Allied will receive an annual CPI increase if below 5% based on the CPI formula in the existing contract.

$$\frac{(CPI/2 - CPI/1) \times 85\%}{CPI/1}$$

Commercial Service - Commercial service will increase by 15% the first year, with a 6% annual increase for the remaining four years.

Industrial Service - Industrial service will increase by 10% the first year, with a 6% annual increase for the remaining four years.

There is no proposed increase for the yellow bag program. In addition, there is no reduction in residential services.

Even with the proposed rate adjustments, Benbrook's rates will remain well below market.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 10/05/06	REFERENCE NUMBER: C-222	SUBJECT: Allied Waste Service Refuse Contract Renewal	PAGE: 2 of 2
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RECOMMENDATION

Based on continued citizen satisfaction with Allied Waste Services, market competitive rates, and favorable contract provisions:

City staff recommends that City Council approve the contract extension with Allied Waste Services for a period beginning January 1, 2007 and ending December 31, 2012.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/05/06	REFERENCE NUMBER: P-250	SUBJECT: Radio Interoperability System (Funded by State Homeland Security)	PAGE: 1 of 2
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BACKGROUND

In 2005, the City of Benbrook received a \$59,000 Urban Area Security Initiative grant through the Texas Department of Homeland Security for regional radio dispatch interoperability. The grant is for the purchase of a combination VHF and 700/800MHz dispatch control station and 700/800 MHz radio channel.

Numerous cities including Benbrook do not have dispatch equipment that operates on the 700/800MHz radio frequency. The Urban Area Security Initiative grant program enables regional public safety entities to communicate during emergencies utilizing the "regional standard" 700/800MHz radio frequency.

The new "touch screen" console will continue to dispatch local VHF communications and communicate with surrounding cities at 700/800 MHz.

BIDS RECEIVED

For a number of years, the City purchased radio equipment from DFW Communications. Staff is pleased with DFW Communications service, field capability and preventative maintenance program. The City's purchased the current Zetron console from DFW Communications.

Recently, DFW Communications submitted the low bid for a combination VHF and 700/800MHz dispatch control station to the State-wide cooperative purchasing program managed by the Texas Building and Procurement Commission. The low bid price is \$46,895.

A portion of the console is made by Motorola and must be purchased directly from Motorola, utilizing the Houston-Galveston Area Council Government Purchasing Cooperative at a low bid cost of \$11,702.

DFW Communications will install the equipment.

The total cost for the equipment is \$58,597 which is 100% funded by the grant. There is no cost to the City of Benbrook.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 10/05/06	REFERENCE NUMBER: P-250	SUBJECT: Radio Interoperability System (Funded by State Homeland Security)	PAGE: 2 of 2
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RECOMMENDATION

Staff recommends that City Council participate in the Regional Radio Interoperability Project and approve:

- (1) The purchase of a new combination VHF and 700/800MHz Zetron dispatch control station from the Texas Building and Procurement Commission at a low bid cost of \$46,895 to be paid by the Texas Department of Homeland Security.
- (2) The purchase of Motorola console equipment from the Houston-Galveston Area Council Government Purchasing Cooperative at a low bid cost of \$11,702 to be paid by the Texas Department of Homeland Security.