

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 16, 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 –
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held February 2, 2006

IV. PROCLAMATION/RECOGNITION/AWARDS

1. Employee Recognition
Ron Rainey – Benbrook Economic Development Director – 10 years service

V. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2006-01 Ratify Bank Loan Refinance

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

VII. REPORTS OF CITY MANAGER

A. GENERAL

- | | |
|--------|---|
| G-1609 | Resolution Continuing Abatement of Show-Cause and Ratifying Settlement Agreement with TXU Electric Delivery |
| G-1610 | Financial Report for Month Ending January 31, 2006 |
| G-1611 | Consider Granting Four Sanitary Sewer Easements to the City of Fort Worth for the Construction of a 36-inch Sanitary Sewer (Public Hearing) |
| G-1612 | Consider Authorization of Condemnation for Walnut Creek Sewer Line |
| G-1613 | Consider Status of Plantation East Creek Project |
| G-1614 | Approve Land Use Study for Benbrook Lake Lease Areas |

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN COMMENTS

X. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 2, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, February 9, 2006 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
David Gattis, Assistant City Manager
David Ragsdale, Comptroller
Phyllis Wolfe, IT Coordinator

Others Present:

Dorcas Neuman, Benbrook News
Valerie Stowe
Ed Gallagher
Bill Smith
Tammi Cauthen
Sam Balkum

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation was given by Elder Dashelle Murrin.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held January 19, 2006

Motion by Mr. Allison, seconded by Mr. Vander Pan to approve the minutes of the January 19, 2006 regular meeting as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2006-01 Ratify Bank Loan Refinance

This item was withdrawn until later date.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2006-01 Adopt Update of Section 9-Drainage of the Comprehensive Plan

Mr. Gattis gave the following report: The Homerule Charter requires that the City update the Comprehensive Plan every five years. The last major update of the Drainage Plan was in 1994. In 2004, the City Engineer revised cost estimates for all drainage projects. The City Engineer also revised drainage plans for main channels of Plantation East Creek, Plantation West Creek, Timber Creek and Willow Bend Creek for the Capital Improvements Program.

This year's update includes:

- Included updated precipitation data
- Added data on thunderstorm frequency
- Added information on storm water quality
- Updated information on City ordinances and policies related to drainage
- Added information on repetitive loss properties
- Revised text on site-specific drainage projects
- Revised Plates to reflect projects competed and CIP revisions

The Planning and Zoning Commission approved the update to Section 9-Drainage at their January 12, 2006 meeting and recommends adoption as part of the Comprehensive Plan.

Mayor Dittrich opened the public hearing at 7:34 p.m. No one in the audience spoke to the item. Mayor Dittrich closed the public hearing at 7:35 p.m.

Motion by Mr. Sauma, seconded by Mr. Vander Pan to adopt the update of Section 9-Drainage as part of the Comprehensive Plan.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

PZ-2006-02 Adopt Update of Section 17-Capital Improvements of the Comprehensive Plan

Mr. Gattis gave the following report: The Homerule Charter requires that the City update the Capital Improvements Plan annually.

The update includes:

- The Revised Population Projections are based on the most recent estimate by North Central Texas Council of Governments.
- Updated financial status of CIP Projects
- Updated future bonding capacity showing ability to sell \$5 million over the next five years without exceeding the debt limit.
- Updated street condition assessment and priorities
- Updated drainage costs to conform to Drainage Plan

There were no new projects added in the update. The status of projects in the 2005 bond package includes:

- Purchase of the new Fire Station site
- Completion of the Timbercreek/Edgewood storm drain
- Start of construction of the Timber Creek culvert at Winscott Road
- Easement acquisition under way for both the Plantation East Creek and Plantation West Creek projects
- Design phase of the Willow Bend culverts

The Planning and Zoning Commission approved the update of Section 17-Capital Improvements at their January 12, 2006 meeting and recommend adoption.

Mayor Dittrich opened the public hearing at 7:36 p.m. No one in the audience spoke to the item. Mayor Dittrich closed the public hearing at 7:37 p.m.

Motion by Mr. Schull, seconded by Mr. Stowe to adopt the updated version of Section 17-Capital Improvements as part of the Comprehensive Plan.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

PZ-2006-03 Ordinance Amending Title 16-Subdivisions of the Benbrook Municipal Code

Mr. Gattis gave the following report: The last major amendments to the Subdivision Ordinance were adopted in 2002. This year's amendments include:

- A new section on rough proportionality to comply with new State law
- Revised definitions
- Deleted redundant section on variances (now called waivers and exceptions)
- Added requirements for integrated Storm Water Management (iSWM)
- Separation of Street Plan and Lot Grading Plan
- Reduced standard utility easement from 15 to 10 feet
- Increased concrete thickness for local streets to 6 inches
- Revision of street sign requirements to meet Texas Manual on Uniform Traffic Control Devices requirements
- Increased minimum width of sidewalk from 4 to 5 feet
- Revised detention requirement to include 2-year and 25-year storm as well as 100-year storm
- Updated references to Texas Commission on Environmental Quality, Benbrook Water Authority and TXU Electric Delivery
- Clarify that monthly bills for street lights on private streets is the responsibility of property owners associations
- Numerous editorial revisions throughout.

The Planning and Zoning Commission considered this item at their January 12, 2006 meeting and recommend its adoption.

Motion by Mr. Allison, seconded by Mr. Schull to adopt Ordinance 1203 amending Title 16-Subdivisions of the Benbrook Municipal Code.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1607 Recommend Contractor for 31st Year Community Development Block Grant Project

Mr. Gattis gave the following report: The 31st Year Community Development Block Grant project is construction of sidewalks and wheelchair ramps on Del

Rio and San Saba Avenues. Tarrant County opened bids on January 18, 2006. Bids submitted were:

Contractor	Bid
Ken-Do Contracting	\$ 98,077.50
Reliable Paving	99,778.00
Laughley Bridge & Construction	103,751.00
Humphrey & Morton	113,515.92
Wall Enterprises	137,825.40
McClendon Construction	154,351.00

The City has not used Ken-Do Contracting before, but based on references, the City Engineer recommends that we award the bid to them. There are sufficient funds available in the 31st Year grant to pay for the project.

Motion by Mr. Stowe, seconded by Mr. Sauma to recommend Tarrant County award the contract to Ken-Do Contracting in the amount of \$98,077.50.

Vote on the motion:

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

Noes: None

Motion carries unanimously.

G-1608 Quarterly Hotel/Motel Bed Tax Report

Mr. Ragsdale gave the following report: A total of \$6,997.13 in expenses was submitted for reimbursement for the period ending December 31, 2005.

A total of \$1,085.84 was submitted for reimbursement for art workshops at Western Hills High School, Leonard Middle School and the Benbrook YMCA.

The Benbrook Area Chamber of Commerce submitted expenses totaling \$5,911.19. These expenses included visitor center salary (\$3,259.12), overhead charges (\$1,500), travel expenses (\$362), memberships (\$250) and display racks (\$540.07).

Motion by Mr. Vander Pan, seconded by Mr. Schull to approve the Hotel/Motel bed tax report and authorize the Comptroller to make the requested reimbursements.

Vote on the Motion:

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

Noes: Mr. Sauma

Motion carries 6-1.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN PRESENTATION

IX. EXECUTIVE SESSION – Pursuant to the Texas Government Code

Section 551.072 – Deliberation Regarding Real Property

1. **Consider Counter Offer for Drainage Easement at 4020 Tara Drive**
2. **Consider Counter Offer for Drainage Easement at 8520 LaJolla Ct**

Mayor Dittrich recessed the regular meeting at 8:02 p.m. for the Executive Session.

X. RECONVENE FROM EXECUTIVE SESSION

Take any action necessary from Executive Session

Mayor Dittrich reconvened the regular meeting at 8:50 p.m. and announced that there would be no action from the Executive Session.

XI. ADJOURNMENT

Meeting adjourned at 8:50 p.m. followed by a worksession for a demonstration of the new City of Benbrook website.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



Benbrook Economic Development Corporation
911 Winscott Road
P.O. Box 26569
Benbrook, TX 76126-0569

(817) 249-6990
FAX 249-6881

COMMUNICATION

To: Benbrook City Council
From: Ron Rainey, CCED
Date: February 16, 2006
Subject: EDC Loan Transfer

Members of the Benbrook Economic Development Corporation's Board of Directors in a February 8 meeting unanimously approved the transfer of a \$3,340,000 loan from Bank of Texas to First Bank and to increase the loan by an additional \$500,000. The existing loan was used to acquire approximately 80 acres of land adjacent to and west of Benbrook Blvd. (US377). Extension of Vista Way north to the I-20 frontage road and the westerly extension of Mercedes are part of the planned development. The additional \$500,000 will be used as part of the agreed purchase price for the acquisition of property currently owned by Ryan's Branding Iron, Inc., Gary Ryan and Lureta Ryan.

The original loan allowed the Economic Development Corporation to acquire all of the land east of the proposed Vista Way extension to Benbrook Blvd. as well as three pad sites on Benbrook Blvd. including the vacant Chevron and Texaco service stations, Venture 377 property that is south and west of Kwik Kar Lube and two tracts located south of Mercedes. First Bank will not be taking the former Chevron, vacated Texaco or Ryan tract as part of its collateral.

Terms and conditions presented by First Bank, and approved by the BEDC Board, include:

1. Borrower: EDC of Benbrook, TX
2. Loan Amount: \$3,840,000
3. Collateral: First Lien Deed of Trust (FLDT) on apprx 80 acres of land
4. Pricing: Floating at Wall Street Journal Prime Rate
5. Exit Fee: 0.75% (replaces typical Origination Fee)
6. Term: Two years interest only
7. Repayment: 100% of net sales proceeds to be applied to principal

The loan proposal was presented to the EDC Board by Tammi Cauthen, First Bank Benbrook Branch President Tammi Cauthen. The agreement is subject to City Council ratification.

Loan transfer and closing will be transacted as soon as possible following action by Benbrook City Council.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/16/06	REFERENCE NUMBER: G-1609	SUBJECT: Resolution Continuing Abatement of Show-Cause and Ratifying Settlement Agreement with TXU Electric Delivery	PAGE: 1 of 2
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BACKGROUND

In the fall of 2004, Benbrook and other members of the Steering Committee of Cities Served by TXU Electric Delivery passed resolutions requiring the Company to show cause regarding the reasonableness of its non-bypassable transmission and distribution (T&D) rates. In early 2005, the Steering Committee and TXU reached a settlement to delay the filing of rate information by TXU until the summer of 2006. The settlement terms called for TXU to work with cities on certain items of concern and to make annual cash payments of \$8 million to the Steering Committee, which was then dispersed to members. In March 2005, the City of Benbrook passed Resolution Number 2005-07, ratifying the settlement.

Over the past several months, the Steering Committee has negotiated a new settlement with TXU to further delay the filing of a rate case in exchange for terms that benefit the City and the public. Following are highlights:

1. TXU will file a rate case in June 2008 with a December ending test year.
2. TXU will continue to make annual \$8 million payments to the Steering Committee (of which Benbrook will receive approximately \$30,000 per year) until a final order is entered in the 2008 rate case, which probably will not be until the end of 2009. This is a two-year extension to the previously negotiated agreement, which reimburses Cities for excessive street lighting and water pumping rates and brings approximately \$38 million in value to Steering Committee members between 2005 and 2009.
3. TXU will make two payments of \$9 million to Steering Committee cities before January 31, 2007 for "beneficial public use."
4. All unexpired provisions of the last agreement will be preserved and the task forces referenced in the earlier agreement will still be created.
5. TXU will reimburse up to \$40,000 per month to the Steering Committee for participation at the Electric Reliability Council of Texas and the Public Utility Commission. This is worth over \$2 million.
6. Separate from the rate settlement, but linked in benefit under the Settlement Agreement, is TXU's commitment to increase franchise fee factors and permit all Cities who desire to receive quarterly franchise fee payments as opposed to annual payments to obtain that result. The franchise fee factor increase will produce approximately \$27 million in benefit to Steering Committee members between 2006 and 2009 and approximately \$12 million annually thereafter. Benbrook's cumulative portion of this benefit will be approximately \$91,000 between 2006 and 2009.

RECOMMENDATION

City staff recommends adoption of the proposed resolution continuing abatement of the rate case filing and ratifying the Settlement Agreement with TXU Electric Delivery. (**Please Note:** All 109 Steering Committee member cities must take action to approve the Settlement in order for the benefits to flow to any member; TXU will not release payments until the Settlement is fully ratified.)

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: 02/16/06	REFERENCE NUMBER: G-1610	SUBJECT: Financial Report for Month Ending January 31, 2006	PAGE: 1 of 2
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Attached for City Council's information and consideration is the monthly financial report for January 2006.

GENERAL FUND REVENUES

Revenues for the month of January totaled \$2,895,440. More than 90% of this amount came from Property Taxes (\$2,656,047). The only other significant revenues came from Sales Taxes and Other Taxes (\$88,742).

GENERAL FUND EXPENDITURES

January expenditures totaled \$947,855. At January 31, revenues exceeded expenditures by \$2,620,502.

DEBT SERVICE FUND

The City made the first of the required debt payments on January 30 (\$1,219,653). Approximately \$162,000 was for the initial payment on the previous year's TIF bonds. Since the TIF Fund is \$211,624 overdrawn, the Debt Service Fund made this payment. City Council will have to make a budget adjustment at year-end to cover this amount.

EDC REPORT

EDC revenues were \$47,137 while expenditures were \$52,765. For the year, expenditures exceed revenues by \$230,829.

CAPITAL PROJECTS

The City made payment of \$1,214,838 to the City of Fort Worth for the Walnut Creek sewer line extension. January Capital Project expenditures totaled \$1,467,418.

CORE VALUES FUND

The Core Values Gas and Oil Lease Fund was created with the initial deposit of \$1,207,260.

INVESTMENTS

Investments were \$12,577,735 at November 30, 2005. This entire amount is available immediately if needed.

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

DATE:

02/16/06

REFERENCE
NUMBER:

G-1610

SUBJECT:

Financial Report for Month Ending January 31,
2006

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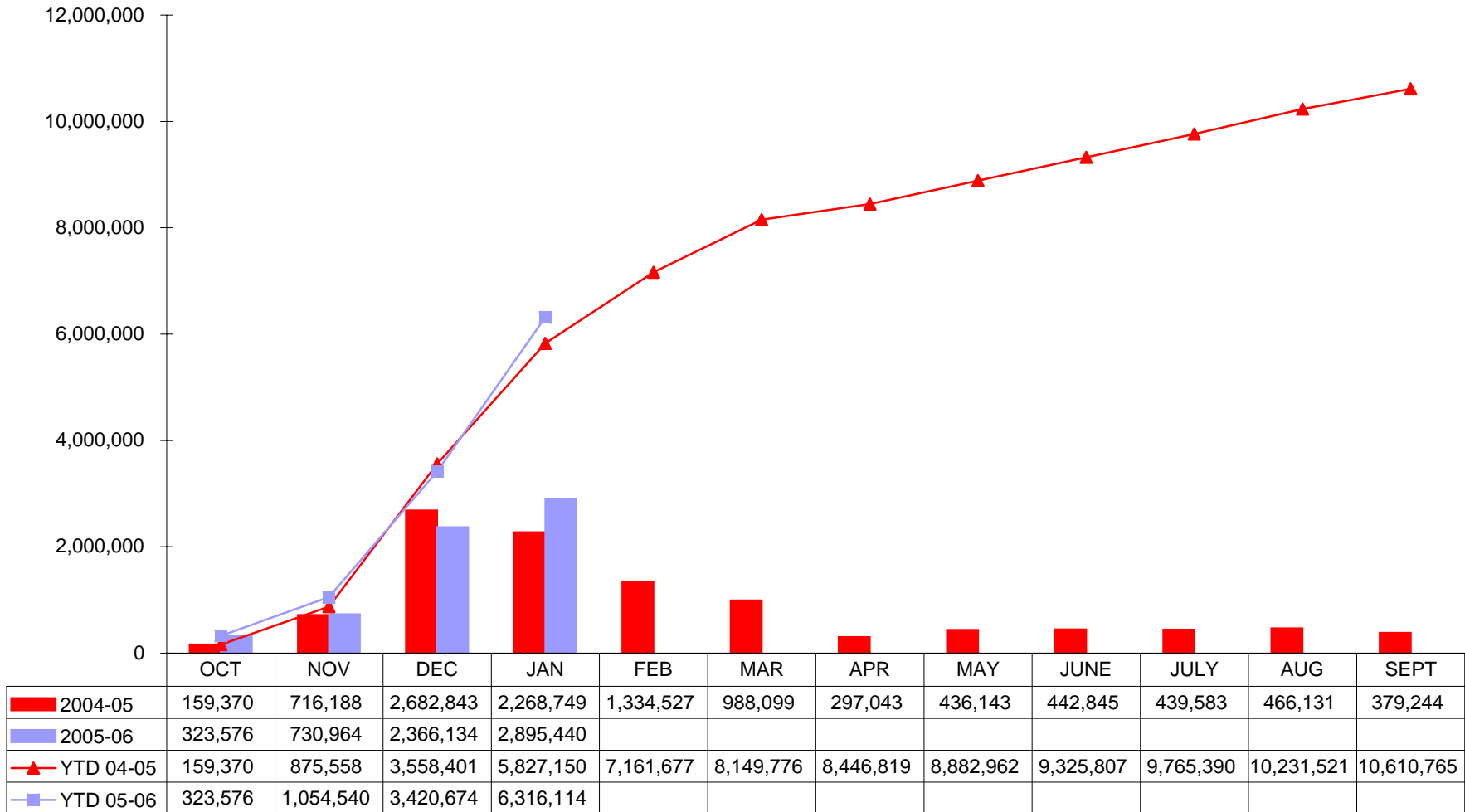
RECOMMENDATION

Staff recommends that City Council accept the monthly financial report for the month of January, 2006.

CITY OF BENBROOK, TEXAS
 FINANCIAL REPORT - GENERAL FUND
 January, 2006

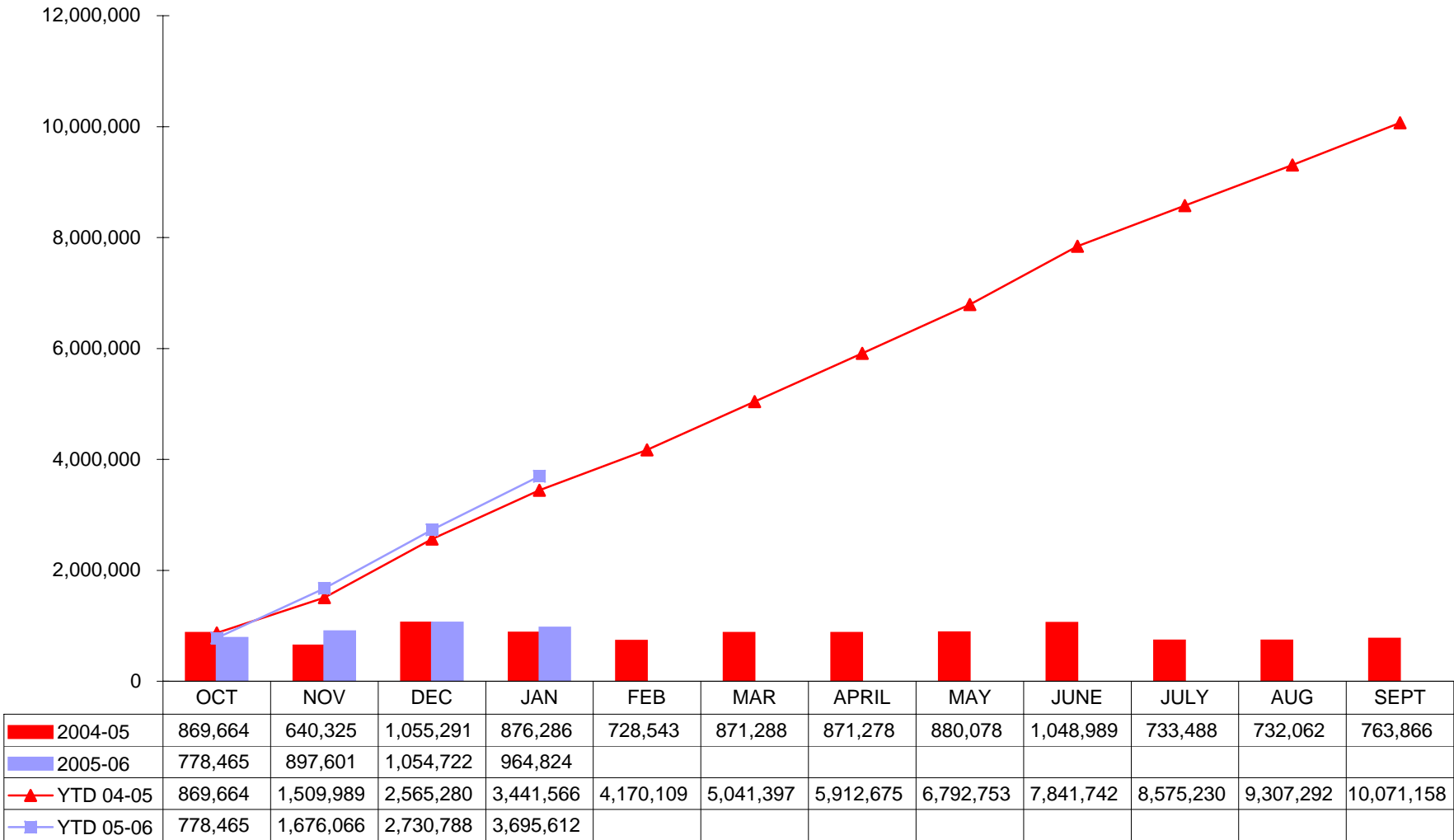
	CURRENT YEAR ANNUAL BUDGET					PRIOR YEAR COMPARISON	
	ANNUAL BUDGET	CURRENT MONTH REV/EXP	YEAR-TO-DATE REV/EXP	VARIANCE PLUS (MINUS)	PERCENT COLLECTED	YEAR-TO-DATE REV/EXP	VARIANCE PLUS (MINUS)
REVENUE ACCOUNTS							
Ad Valorem Taxes	6,714,392	2,656,047	5,334,691	(1,379,701)	79.45%	4,878,942	455,749
Franchise Taxes	1,220,500	21,938	138,530	(1,081,970)	11.35%	139,489	(959)
Sales & Other Taxes	1,404,215	88,742	355,631	(1,048,584)	25.33%	311,542	44,089
TOTAL TAXES	9,339,107	2,766,727	5,828,852	(3,510,255)	62.41%	5,329,973	498,879
Licenses	37,300	4,222	13,836	(23,464)	37.09%	5,514	8,322
Permits & Filing Fees	361,950	25,873	89,137	(272,813)	24.63%	103,576	(14,439)
LICENSES PERMITS & FEES	399,250	30,095	102,973	(296,277)	25.79%	109,090	(6,117)
FINES & FORFEITURES	292,000	24,500	86,786	(205,214)	29.72%	74,610	12,176
USE OF MONEY & PROPERTY	154,000	12,053	58,631	(95,369)	38.07%	54,761	3,870
REV FROM OTHER AGENCIES	283,000	21,500	53,919	(229,081)	19.05%	65,717	(11,798)
Citizen Services	343,200	28,343	133,604	(209,596)	38.93%	109,763	23,841
Recreation Services	41,100	5,590	12,651	(28,449)	30.78%	26,620	(13,969)
Sale of Goods	38,350	1,400	10,524	(27,826)	27.44%	23,637	(13,113)
SERVICE CHARGES	422,650	35,333	156,779	(265,871)	37.09%	160,020	(3,241)
OTHER REVENUES	63,300	5,232	28,174	(35,126)	44.51%	32,979	(4,805)
TOTAL REVENUES	10,953,307	2,895,440	6,316,114	(4,637,193)	57.66%	5,827,150	488,964
EXPENDITURE ACCOUNTS							
City Council	24,358	682	6,348	18,010	26.06%	5,584	764
City Manager	266,377	22,110	95,493	170,884	35.85%	89,225	6,268
City Secretary	226,079	14,684	72,461	153,618	32.05%	61,369	11,092
Non-Departmental	507,850	45,804	170,816	337,034	33.64%	161,094	9,722
GENERAL GOVERNMENT	1,024,664	83,280	345,118	679,546	33.68%	317,272	27,846
Finance	347,962	24,411	119,278	228,684	34.28%	116,372	2,906
Information Services	127,875	12,421	60,156	67,719	47.04%	24,597	35,559
Personal Services	18,700	88	4,280	14,420	22.89%	3,121	1,159
Budget & Research	120,678	7,732	41,032	79,646	34.00%	41,718	(686)
STAFF SERVICES	615,215	44,652	224,746	390,469	36.53%	185,808	38,938
Police	4,387,758	431,531	1,536,822	2,850,936	35.03%	1,466,959	69,863
Fire & Ambulance	1,779,261	152,150	602,988	1,176,273	33.89%	563,440	39,548
Municipal Court	162,196	12,874	56,273	105,923	34.69%	52,176	4,097
PUBLIC SAFETY	6,329,215	596,555	2,196,083	4,133,132	34.70%	2,082,575	113,508
Community Services	259,271	14,580	55,250	204,021	21.31%	49,542	(5,708)
Streets	1,155,389	74,477	278,602	876,787	24.11%	265,153	(13,449)
Parks & Recreation	576,674	43,274	184,271	392,403	31.95%	170,733	(13,538)
Support Services	381,211	30,379	131,600	249,611	34.52%	113,958	(17,642)
COMMUNITY SERVICES	2,372,545	162,710	649,723	1,722,822	27.39%	599,386	(50,337)
Community Development	283,603	24,280	80,877	202,726	28.52%	86,235	5,358
Planning & Zoning	176,194	12,963	61,579	114,615	34.95%	59,771	(1,808)
City Inspection	298,754	23,415	101,475	197,279	33.97%	94,100	(7,375)
COMMUNITY DEVELOPMENT	758,551	60,658	243,931	514,620	32.16%	240,106	(3,825)
TOTAL GENERAL FUND	11,100,190	947,855	3,659,601	8,635,455	32.97%	3,425,147	126,130
EDC	0	15,512	34,649	(34,649)	0.00%	14,208	(20,441)
Library	0	1,457	1,362	(1,362)	0.00%	2,211	849
TOTAL EXPENDITURES	11,100,190	964,824	3,695,612	8,599,444	33.29%	3,441,566	106,538
ENDING BALANCE	(146,883)	1,930,616	2,620,502	(2,767,385)		2,385,584	382,426

Revenue Trend Comparison



■ 2004-05
 ■ 2005-06
 ▲ YTD 04-05
 ■ YTD 05-06

Expenditure Trend Comparison



■ 2004-05
 ■ 2005-06
 ▲ YTD 04-05
 ▲ YTD 05-06



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/16/06	REFERENCE NUMBER: G-1611	SUBJECT: Consider Granting Four Sanitary Sewer Easements to City of Fort Worth for Walnut Creek Sewer Line	PAGE: 1 of 3
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The City of Benbrook, through the TIF District, has been working with the City of Fort Worth to provide wastewater service to the Walnut Creek watershed, including portions of Benbrook Towne Center, since 2003.

The biggest hurdle for providing such service was that a good portion of the line would need to extend through Fort Worth's Z. Boaz Park for which no developer could be expected to cover the cost. Likewise, the Benbrook Water Authority would not participate in extending the sewer line unless someone else was paying for it. In an effort to stimulate development, the Benbrook TIF District agreed to work with Fort Worth to extend the sewer line from its connection to the Mary's Creek interceptor to a point on the west right-of-way line of Interstate 20. Private development would then be responsible for extending the line further upstream according to standard Fort Worth and BWA policies.

The Benbrook City Council adopted the original Interlocal Agreement on February 5, 2004, whereby Fort Worth and the Benbrook TIF would share the cost of engineering design and construction, based on the length of sewer planned in each city from Mary's Creek to the I-20 right-of-way. Fort Worth would build and operate the sewer and BWA would be entitled to have four connections. Each city would be responsible for obtaining the necessary easements within their city for the project.

The City of Fort delayed the design process during 2005, but a final alignment was agreed upon in October 2005. Projected construction costs have also increased by 120 percent, but the Benbrook TIF has authorized the increased cost share at their November 2005 meeting.

The City staff received copies of the easements on December 13th and sent letters to the various entities on January 5th. The only landowner located between Benbrook Boulevard (US 377) and I-20 is the City of Benbrook. The City needs to grant a 30-foot-wide easement covering approximately 1,675 linear feet. The easements are broken into four pieces because of the prior ownership, but the City of Benbrook has acquired all of these by the end of 2005.

Because the City acquired the property with the intention of having a park, the City must comply with Chapter 26 of the Texas Parks and Wildlife Code regarding protection of parkland. Section 26.001 requires that the City advertise a public hearing. Then, the City must determine: 1) if there are no feasible or prudent alternatives to using the parkland; 2) and that all reasonable planning to minimize harm to the land as a park is considered.

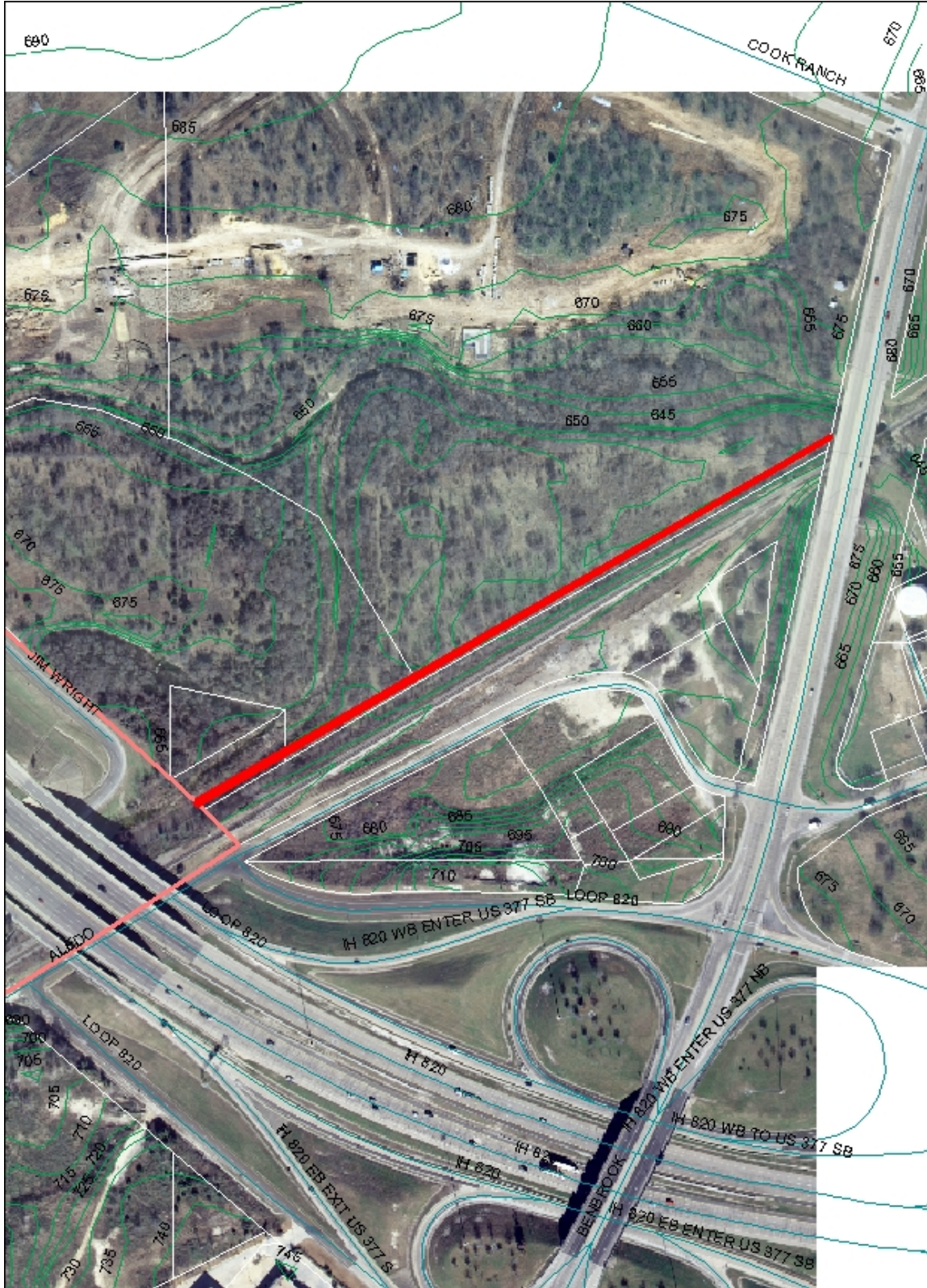
SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:

DATE:
02/16/06

REFERENCE
NUMBER:
G-1611

SUBJECT:
Consider Granting Four Sanitary Sewer Easements
to City of Fort Worth for Walnut Creek Sewer Line

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DATE: 02/16/06	REFERENCE NUMBER: G-1611	SUBJECT: Consider Granting Four Sanitary Sewer Easements to City of Fort Worth for Walnut Creek Sewer Line	PAGE: 3 of 3
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The only alternatives to the project would be to reroute the sewer line to the south of the railroad line at a considerable increase in cost and inconvenience to property owners, or to not build the sewer line and rely on list stations to serve the portions of Benbrook that lie within the Walnut Creek watershed. List stations use energy and are occasionally unreliable, which could result in potential pollution of Walnut Creek. In addition, once the list station list sewage into the Timber Creek watershed, the BWA sanitary sewer system has insufficient capacity to handle the additional flow. The construction plans call for the area disturbed to be reseeded.

RECOMMENDATION

Staff recommends that:

1. the City Council hold a public hearing on the matter of using approximately 1.15 acres out of the approximately 31.1 acres of Team Ranch Park for the purpose of constructing a sewer line,
2. At the conclusion of the hearing, staff recommends that the City Council make a finding that there is no reasonable or prudent alternative to using the parkland, and that its use as parkland will not be adversely affected once the sewer line is installed and vegetation reestablished, and
3. Authorize the Mayor or City Manager to sign the easements.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/16/06	REFERENCE NUMBER: G-1612	SUBJECT: Consider Authorization of Condemnation for Walnut Creek Sewer Line	PAGE: 1 of 2
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The City is working to obtain sewer line easements from five different entities (including the City of Benbrook) for the purpose of installing the Walnut Creek sewer line. The City has obtained easements from the Southern Baptist Radio and TV Commission and easements are in process from Tarrant County and from TXU Electric Delivery.

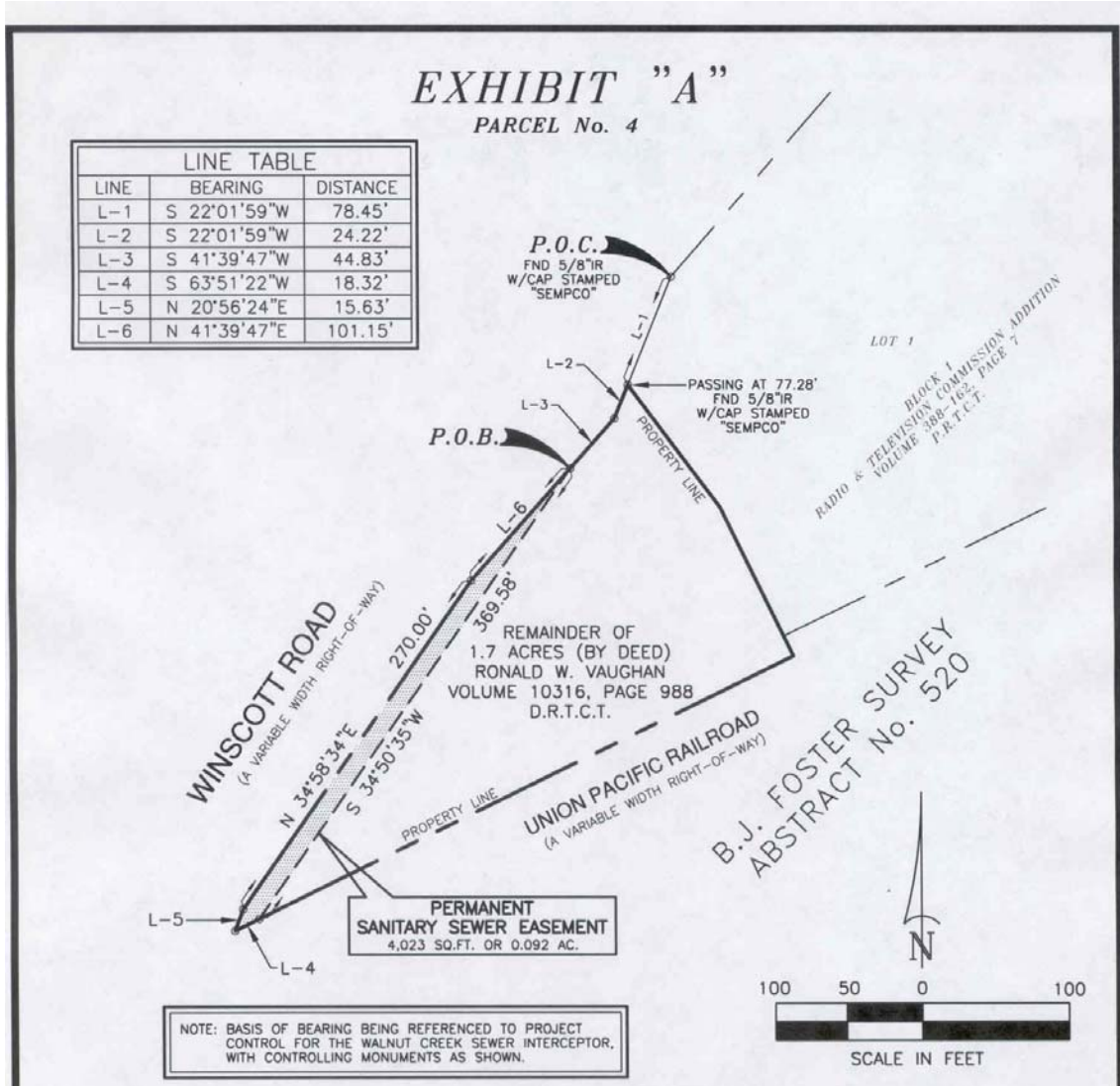
The only remaining easement needed is from Ronald Vaughan, who is the owner of the abandoned upholstery shop and kennels located at 335 Winscott Road. The staff has received no response to our letter from January 5th and attempts by three different groups (city staff, city attorney, and a private right-of-way acquisition company) to find a physical address for Mr. Vaughan have been unsuccessful.

Therefore, the staff is requesting authorization to proceed with condemnation of the easement through public notice. Similar to a regular imminent domain case, this process allows us to obtain an easement when the owner cannot be located. To start the process, we must engage an MAI appraiser to determine the fair market value and to authorize the City attorney to begin the process of condemnation. All costs will be borne by the TIF District.

RECOMMENDATION

Staff recommends that the City Council authorize the staff to begin condemnation proceeding to obtain a 0.092-acre sanitary sewer easement on a 1.7-acre tract in the B.J. Foster Survey Abstract 520.

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



City of Fort Worth

1000 THROCKMORTON STREET • FORT WORTH, TEXAS 76102

EXHIBIT SHOWING
A
PERMANENT SANITARY SEWER EASEMENT
OUT OF A TRACT OF LAND
SITUATED IN THE
B. J. FOSTER SURVEY, ABSTRACT No. 520
RECORDED IN VOLUME 10316, PAGE 988
OF THE
DEED RECORDS OF TARRANT COUNTY, TEXAS



PROJECT: WALNUT CREEK SEWER INTERCEPTOR	D.O.E. No.: 4440
EASEMENT ACQUISITION AREA 4,023 SQUARE FEET OR 0.092 ACRES	
JOB NO. 0409-1540	DRAWN BY: DP
DATE: NOVEMBER 18, 2005	PAGE 6 OF 6
CADD FILE: 1540-EMT.DWG	SCALE: 1" = 100'

W. Truett Wilson
W. TRUETT WILSON
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5146



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/16/06	REFERENCE NUMBER: G-1613	SUBJECT: Consider Status of Plantation East Creek Project	PAGE: 1 of 2
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One of the projects included in the 2004 bond program was the enlargement of the Plantation East Creek channel behind Tara Drive. The main purpose of the project was the removal of approximately 20 houses along Tara and Plantation Drives from the 100-year floodplain. The underground box culvert constructed in the early 1990s was constrained by the distance available between two houses and does not carry the full 100-year flood.

The design was completed in late 2005 and the City began requesting easements on November 17, 2005. At the end of December, the City had obtained four easements by donation. The staff then began offering fair market value (\$1.50/square foot for the permanent easement, plus \$300 for the temporary easement) starting January 6, 2006. Residents donated several more easements while the City purchased three easements at a total cost of \$5,664. At the beginning of February, we have obtained 10 of the 21 easements necessary to build the project.

The original bond issue included approximately \$1,009,000 for the Tara Channel, with \$97,000 of that amount allocated to engineering. Approximately \$40,000 has been used for surveying. This leaves \$872,000 available for construction. The latest cost estimate for the project (June 2005) was \$802,735. Staff is concerned that legal fees alone may consume the remaining \$69,265 if condemnation proceedings are necessary against all 11 property owners.

The options available to the City Council include:

1. Authorize staff to proceed with condemnation proceedings to obtain the remaining drainage easements. This will involve hiring an appraiser to make an appraisal of the fair market value of each easement, attorney's fees, condemnation court commissioner's fees, expert witness fees (City engineer and appraiser), plus any amount awarded to the landowner for each easement, or
2. Postpone the project indefinitely and reconsider the project sometime in the future as part of another bond program. Money not used for this project can be used for other drainage projects or to pay off the bonds early.

While postponing the project will leave property owners subject to federal flood insurance requirements if they have a federally-insured loan, the risk of actual flooding was greatly reduced by the 1992 drainage project.

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

DATE: 02/16/06	REFERENCE NUMBER: G-1613	SUBJECT: Consider Status of Plantation East Creek Project	PAGE: 2 of 2
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RECOMMENDATION

Staff recommends that the City Council delay the Plantation East Creek (Tara Channel) project indefinitely. Any existing easements should be retained and the project reconsidered in five to ten years as part of another bond program.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/16/06	REFERENCE NUMBER: G-1614	SUBJECT: Approve Land Use Study for Benbrook Lake Lease Areas	PAGE: 1 of 2
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BACKGROUND

Recently, City Council discussed the future of the lease areas (Corps owned) adjoining Benbrook Lake including Baja Beach, Benbrook Par 3, Benbrook Marina, Benbrook Stables and undeveloped areas. Specifically, City Council expressed intent to improve and enhance these areas through long range planning and cooperative partnerships.

PROPOSAL FOR PLANNING SERVICES

Following City Council direction, staff solicited a proposal from Schrickel, Rollins and Associates to perform a land use study for the lease areas at a cost of \$9,700. Schrickel, Rollins and Associates has previously completed the Benbrook Park Master Plan, Dutch Branch Park Conceptual Plan and the Whitestone Park Conceptual Plan.

BAJA BEACH AND OTHER CONCESSION AREAS

The current concession agreement for Baja Beach expires on February 28. Upon expiration of the lease, the area will be (1) unencumbered by a concession agreement and (2) be under direct City control. As a result, the City may choose to solicit requests for proposals from private firms and individuals to develop and operate the desired land use as recommended by Schrickel, Rollins and Associates and approved by City Council. For example (and hypothetically), if the land use study identified a hotel/resort use for the Baja Beach area, the City could solicit proposals from private firms to develop and operate a hotel/resort.

In the interim, the Baja Beach area will be closed to the general public pending the results of the Schrickel, Rollins and Associates land use study. The Benbrook Community Center/YMCA may use the area periodically for its summer day camp.

Other lease (concession) areas may be considered for future development as concession agreements expire, transfer ownership or in partnership with current ownership.

<u>Concessionaire</u>	<u>Agreement Expires</u>
Baja Beach	February, 2006
Benbrook Marina	July, 2007
Benbrook Stables	July, 2013
Benbrook Par 3	February, 2017

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

DATE: 02/16/06	REFERENCE NUMBER: G-1614	SUBJECT: Approve Land Use Study for Benbrook Lake Lease Areas	PAGE: 2 of 2
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ADDITIONAL EVALUATION

Upon completion of the initial land use study and after an evaluation of the development impact of continued fluctuations in lake level, City Council may want to consider expanding the study area (phase two) to evaluate areas currently managed by the US Army Corps of Engineers and the City of Fort Worth. A phase two study would require separate City Council action and an additional expenditure.

RECOMMENDATION

Staff recommends that the City Council approve the Schrickel, Rollins and Associates land use study for the Benbrook Lake lease areas at a cost of \$9,700 to be paid from general fund reserves.