



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, FEBRUARY 1, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, February 1, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Dave Gattis, Deputy City Manager  
Tommy Davis, Fire Chief  
James Mills, Police Chief

Others Present:

Dorcas Neuman, Benbrook News  
Ed Gallagher, City Planner  
Cathy Morris, Administrative Analyst  
Charlotte Vander Pan  
June Bailey  
Dustie and Shelby Mills  
Jimmy and Wands Mills  
Teresa Mills  
Melissa, Bo, Ashley and Casey Owings  
James Pickard  
Alane Blake  
Nadeen and Kenneth Murphree  
Jerry Kelley  
Frankie Smith  
Members of Benbrook Police Department  
Bill Smith  
Mr. & Mrs. Harold Evetts  
Rich Lyons  
Jim Wilson  
Kyle Carr

and 10 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 Mr. Dave Gattis  
The Pledge of Allegiance was recited.

**III. CONSENT AGENDA**

1. **Minutes of the regular meeting held January 18, 2007**
2. **Interlocal Agreement for Cooperative Purchasing with City of Joshua**

Motion by Mr. Schull, seconded by Mr. Allison to approve the Consent Agenda 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. OATH OF OFFICE TO NEWLY APPOINTED POLICE CHIEF**

Joanna King administered the Oath of Office to Police Chief James Mills.

**V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL**

1. **Amendment to Resolution 2007-01 – Calling General Election and Approve Contract for Joint Election with Tarrant County.**

This item was removed from the Agenda.

2. **John Vander Pan – Presentation on Veteran's Parkway**

Councilmember John Vander Pan presented Councilmember Keith Bailey with a street sign for Veteran's Parkway. Mr. Vander Pan informed the audience of the many endeavors Mr. Bailey has been involved with honoring the members of our Armed Forces.

## **VII. PRESENTATION BY PLANNING AND ZONING COMMISSION**

### **PZ-2007-01 Adopt Update of Section 8-Community Facilities of the Comprehensive Plan**

Mr. Gattis gave the following report: The proposed changes to Section 8 of the Comprehensive Plan was initiated by Lockheed Martin Bicycle Club. The proposed designation of on-street bike routes is to supplement and/or replace proposed off-street routes.

The plan will have two figures, one for off-street trails and one for on-street routes and lanes. Adoption of the plan does not commit or obligate any future expenditure. City Council will always have the right to review any specific implementation project.

There are other revisions necessary in Section 8 which will be coming forward soon. Planning and Zoning Commission recommended adoption in January.

Mayor Dittrich opened the public hearing at 7:47 p.m.

Mr. Jim Wilson and Mr. Kyle Carr both spoke in favor of the amendment to the Comprehensive Plan.

Mayor Dittrich closed the public hearing at 8:05 p.m.

Motion by Mr. Sauma, seconded by Mr. Schull to adopt the revisions related to bike routes to Section 8-Community Facilities as part of the Comprehensive Plan.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

### **PZ-2007-02 Adopt Update of Section 17-Capital Improvements of the Comprehensive Plan**

Mr. Gattis gave the following report: The Homerule Charter requires an update to the Capital Improvement Plan annually. The changes included in this year's plan include:

- Updated status on ongoing CIP projects
- Updated bonding capacity analysis
- Updated evaluation of street condition and revised street priorities
- Updated project costs

The projects included in the CIP include the two remaining drainage projects (Plantation West Creek and Plantation East Creek) from the 2004 bond election.

The tax rate available for debt service has been reduced through tax cuts and conversion to General Fund Use. Debt service as percent of total revenues has dropped from 15% in 2001 to 9% in 2007. Keeping debt service at 9% of total revenues delays ability to sell additional bonds until 2012.

The Planning and Zoning Commission recommends adoption as part of the Comprehensive Plan.

Mayor Dittrich opened the public hearing at 8:30 p.m.

Mr. Rich Lyons spoke regarding the flooding on Bryant Street. Mayor Dittrich advised Mr. Lyons that was not part of tonight's hearing, but Mr. Dave Gattis would be available to discuss the project currently underway to the area flooding.

Mayor Dittrich closed the public hearing at 8:34 p.m.

Discussion was held regarding alternate revenue sources and the City's long-term financial plans.

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

Noes: None

Motion carries unanimously.

## **VIII. REPORTS OF CITY MANAGER**

### **A. GENERAL**

#### **G-1682 Adopt Ordinance Amending Section 8.48 of the Benbrook Municipal Code to Allow Certain Exceptions to the Smoking Ordinance for a One-Year Period**

Mr. Wayman gave the following report: Section 8.48 of the Benbrook Municipal Code bans smoking in all public buildings. Several subsequent discussions by City Council have led to the proposed amendment.

The proposed amendment adds conditional exceptions to the current ordinance. The exceptions apply to an existing class of organizations:

- Bars
- Nightclubs

- Billiard halls
- Bowling centers
- Bingo facilities
- Private fraternal veterans organizations with a bar

The proposed exception is valid for one (1) year only. The one-year exception is based on the following conditions:

- An enclosed non-smoking area
- Smoking area is mechanically ventilated
- Separate outside entrances for smoking/non-smoking areas
- Denial of admittance to the smoking area for people under 18 years of age
- A sign located at the entrance to the non-smoking area which states “Designated No-Smoking Area by City Ordinance”

The City Attorney has reviewed and approved the proposed ordinance because it pertains to a class of similar organizations.

Following discussion, motion by Mr. Sauma, seconded by Mr. Stowe to Adopt Ordinance No. 1228 allowing certain exceptions to the smoking ordinance for a one-year period.

Vote on the Motion:

Ayes: Mr. Stowe, Mr. Vander Pan, Mr. Sauma, Mr. Schull

Noes: Mr. Allison, Mr. Bailey, Mayor Dittrich

Motion carries 4-3

Ordinance No. 1228 being **“AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 8.48, REGULATIONS OF SMOKING, PROVIDING FOR EXCEPTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”**

#### SECTION 5

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for all violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

#### SECTION 8

This ordinance shall be in full force and effect from and after passage and publication as provided by law, and it is so ordained.

**B. PURCHASE**

**P-253 Flooring for City Hall**

Mr. Wayman gave the following report: Carpet in high traffic areas of City Hall is faded, stained and matted. There have been numerous unsuccessful attempts to clean and rehabilitate the carpeting.

Recently, City staff began a “spruce up” of City Hall to make it more attractive and professional for our customers. Replacing the carpet in the public area of the building would greatly enhance the process. Unfortunately, staff did not budget funds for flooring replacement.

The City solicited bids from four (4) flooring companies to replace the carpet with commercial grade tile flooring. In addition to an improved appearance, the tile would require less maintenance. The cost of flooring replacement is \$16,896. Carpeting in offices and conference rooms is in serviceable condition but will need to be replaced in a couple of years.

Following discussion, motion by Mr. Schull, seconded by Mr. Bailey to approve the replacement of carpet in the public areas of City Hall with reserve funds and make the requisite budget adjustment.

Vote on the Motion:

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

Noes: Mr. Sauma, Mr. Stowe

Motion carries 5-2

**VIII. OTHER MATTERS OF BUSINESS**

**IX. INFORMAL CITIZEN COMMENTS**

**X. ADJOURNMENT**

Meeting adjourned at 8:50 p.m.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**