



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 7, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, February 7, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Rickie Allison
Dan Tully
Larry Stowe
Keith Bailey
Ron Sauma
James Schull, arriving late

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Sherri Newhouse, Budget Director
Tommy Davis, Fire Chief
Phyllis Wolfe, IT Coordinator

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher, Planner
Walter Shumac, Public Service Director
James Mills, Police Chief
David Babcock, Assistant Police Chief
Wes Cooper, Police Officer
Ron Rainey, EDC Director
Bill Smith
Paul Brown
Susan Powell
Joan Chew
Jonathan Dixon
And 15 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. Ryan Justice with Trinity Hills Baptist Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held January 17, 2008

Motion by Mr. Tully, seconded by Mr. Sauma to approve the minutes of the regular meeting held January 17, 2008.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. CITIZEN PRESENTATION

**1. Paul Brown – Whitestone Ranch Homeowners Association –
Appreciation to City for Fire Response**

Mr. Paul Brown made presentation on behalf of the homeowners in White Stone Ranch, Whitestone Heights, Winchester Estates and Hills of Whitestone. The homeowners expressed their thanks and appreciation to the City of Benbrook, Whitestone Golf Course, many supporting agencies and citizen volunteers for the responsive and outstanding manner in which their homes, property and lives were safeguarded from the extensive wild grass fires on Tuesday, January 29, 2008.

V. STAFF INFORMATION

1. Update on Fire Incident January 29, 2008

Fire Chief Tommy Davis gave an overview of the grass fire incident on January 29, 2008. Chief Davis expressed his appreciation to the Benbrook Police Department, City services and numerous outside agencies that assisted in the fire.

Mr. Schull arrived at the meeting.

**2. Provide Information regarding Code Red and E-Notifications through
City's Website**

Chief Davis and Phyllis Wolfe provided information on how citizens can visit the City's website (www.cityofbenbrook.com) to sign up for Code Red and E-Notifications.

The Code Red system gives city officials the ability to deliver pre-recorded emergency telephone notification/information messages to targeted areas or the entire city at a rate of up to 60,000 calls per hour. The system was used during the January 29th grass fire to alert citizens in the area of impending danger,

The E-Notifications Service allows the City to send electronic notices, alerts, and information to subscribed users. The service is a free and convenient way to keep abreast of news, events and information in the City of Benbrook. The system was used during the January 29th fire to inform all subscribers of the fire situation.

VI. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Resolution Calling May 10, 2008 General Election and Authorizing Contract with Tarrant County for Joint Election

Joanna King gave the following report: The regular election for the positions of Member of the Council in Places 2, 4 and 6 is scheduled for Saturday, May 10, 2008. In order to guarantee the availability of election equipment to all entities holding elections on this uniform election date, Tarrant County's Elections Administrator is requesting entities to enter into a joint election agreement.

Advantages of the Joint Election include:

- Expanded early voting polling places. Tarrant County provides early voting polling places within the County to entities holding elections. Benbrook residents would be able to vote early at any of these locations and not be restricted to voting only in the City of Benbrook.
- Voting equipment, election officials and polling places will be provided by the County. With the Help America Vote Act at least one Direct Recording Electronic (DRE) machine is required at each polling place. This equipment is intended for use by the handicapped. Without the ability to lease the equipment from Tarrant County (due to limited number of machines), the City would be required to either purchase four DRE's or lease the equipment from another vendor. Any purchase cost or lease would not include the programming necessary to read the ballots.
- Tarrant County will provide training to all election workers.

Motion by Mr. Stowe, seconded by Mr. Schull to adopt Resolution 2008-01 calling the May 10, 2008 general election and authorize the City to enter into a joint election agreement with Tarrant County.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2008-01 being “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 10, 2008; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION, AND PROVIDING AN EFFECTIVE DATE.**”

VII. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2008-01 Ordinance vacating and abandoning part of Goliad Street, northwest of the intersection of Goliad Street and Del Rio Ave., and part of San Antonio Street

Mr. Gattis gave the following report: The Benbrook Economic Development Corporation has presented a request to close Goliad Street west of Del Rio Avenue to facilitate a larger lot for restaurant development. The application included a Traffic Impact Analysis (TIA) that indicated a relatively small number of vehicles using this section of Goliad Street.

The Planning and Zoning Commission held a hearing in September 2006. The Commission recommended approval subject to:

- Coordinate with TxDOT vacation process
- City be compensated for value of the right-of-way
- That the right-of-way be incorporated into a single platted lot

In October 2006, City Council adopted a Resolution of Intent to vacate part of Goliad Street if the State also vacates part of the I-20 right-of-way.

The State Constitution prohibits giving away public property for private use. The exception is vacating unimproved right-of-way to the original dedicator.

Local Government Code allows conveyance to the EDC without bidding, subject to “any fair consideration approved by” City Council and that the Ordinance state the consideration paid.

The value of the property consists of two parts, right-of-way and pavement.

Part 1 – Land does not depreciate. The EDC appraisal of the TxDOT ROW indicates \$15.00/sf value, reduced by 75% because “it is a small, highly irregular shaped parcel” and that the EDC “is not compelled nor is under undue pressure to purchase” the property.

Staff agrees that a portion of the ROW may be devalued by the imposition of utility easements. Using the \$15.00/sf value, the value of the right-of-way is approximately \$14,577. Without a replat to know what easements may be required, it is difficult to estimate the reduction in value; however, if one-half of the right-of-way is encumbered by a easement and that area is reduced in value by 75%, then the resulting value would be approximately \$90,985.

Part 2 – Pavement does depreciate. This portion of Goliad Street has exceeded its design life and is “fully-depreciated”, leaving a salvage value of 1,163.00.

The initial replat submittal was received on the evening of February 5th. The easements were not adequately identified so the surveyor is still working on the submittal.

The last public notice of road closure was in October 2006. Staff recommends posting a sign announcing the road closure for a period of approximately two week, and then erecting barricades.

Motion by Mr. Stowe, seconded by Mr. Tully to:

1. Place a value for the land and City improvements in the right-of-way at \$90,985;
2. Adopt Ordinance Number 1253 vacating the right-of-way
3. Authorize staff to place a sign notifying the public of impending closure for a period of two weeks and then erect appropriate barricades; and
4. Authorize the Mayor to execute the quitclaim deed when a replat has been approved and ready to be filed at the Tarrant County Courthouse.

Discussion followed regarding the value of the land.

Vote on the Motion:

Ayes: Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe

Noes: Mr. Scull, Mr. Bailey, Mr. Sauma

Motion carries 4-3.

Ordinance No. 1253 being “**AN ORDINANCE VACATING AND ABANDONING PART OF GOLIAD STREET AND VACATING AND ABANDONING PART OF SAN ANTONIO STREET AS PUBLIC STREETS; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.**”

VIII. REPORT OF CITY MANAGER

A. GENERAL

G-1761 Appointment to Planning and Zoning Commission and Zoning Board of Adjustments/Board of Appeals

Joanna King gave the following report: City Council made appointments to the various Boards and Commissions on October 18, 2007. At that time, Dian Price was appointed to Place 7 on the Planning and Zoning Commission for a term to expire October 31, 2009. However, due to time restraints, Ms. Price will be unable to fulfill the term.

City Staff also received notice from Mr. Marvin Rhodes that he will be unable to fulfill his term on the Zoning Board of Adjustment/Appeals Commission. Mr. Rhodes currently serves in the Alternate C position with a term to expire October 31, 2008. As a reminder, there is also a vacancy to Alternate position D on the Zoning Board of Adjustment/Appeals Commission.

Upon notification from Ms. Price's inability to serve the two year term on the Planning and Zoning Commission and prior to receiving notice from Mr. Rhodes of his resignation, staff advertised and received applications from citizens interested in service on the P&Z.

City Council reviewed the applications and scheduled interview sessions with each of the candidates. City Council completed the interviews on January 31, 2008.

Motion by Mr. Tully, seconded by Mr. Bailey to:

1. Appoint Robert Pesce to Place 7 on the Planning and Zoning Commission for a term to expire October 31, 2009;
2. Appoint Brandon O'Donald to fill the unexpired term in Alternate C on the Zoning Board of Adjustments/Appeals Commission with the term expiring October 31, 2008; and
3. Appoint Kyle Carr to Alternate D on the Zoning Board of Adjustments/Appeals Commission with a term expiring October 31, 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1762 Resolution approving Local Project Advanced Funding Agreement for Benbrook Boulevard

Dave Gattis gave the following report: City staff has been pursuing the widening of Benbrook Boulevard since 2003. The cost estimate for construction at that time was approximately \$13 million. The City's local mat for the project was defeated in the February 2004 bond election.

The City submitted the project for inclusion in the Tarrant County's May 2006 bond program. The City received federal funding in September 2006 as part of the Regional Transportation Council's Strategic Partnership Arterial Street program.

The State Legislature and TxDOT created a new system of funding for major roadways through private investment as toll roads. Private firms compete by bidding for the projects, including offering upfront payments as well as future excess toll revenues. As part of the NTTA bid, the NTTA made an upfront payment

of almost \$1.7 billion that will be used to fund other transportation projects in the region.

Funding Summary

Cost Estimate	\$16,767,770
Federal funds	\$ 7,733,575
State match	\$ 1,933,394
County bond	\$ 1,854,795
BWA contribution	\$ 731,250
Regional Toll Revenue	\$ 3,211,717
City share	\$ 1,303,039

The City will continue to seek additional funding sources as they become available.

To proceed with work on the project, City Council needs to execute a Local Project Advance Fund Agreement (LPAFA). This is an Interlocal agreement between TxDOT and the City. Because of the unique nature of the project, the form of the LPAFA is different from those we have executed in the past.

Motion by Mr. Schull, seconded by Mr. Sauma to adopt Resolution No. 2008-02 authorizing the City Manager to execute the Local Project Advance Funding Agreement for the Benbrook Boulevard widening project.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2008-02 being **“A RESOLUTION AUTHORIZING THE EXECUTION OF A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.”**

G-1763 Appointments to NAS Fort Worth JRB Regional Coordinating Committee

Mr. Gattis gave the following report: One of the primary recommendations of the Joint Land Use Study (JLUS) is the establishment of a Naval Air Station Joint Reserve Base Regional Coordination Committee (RCC). The purpose of the RCC is to develop, implement and monitor policies, programs and projects which improve opportunities to expand operations at NAS JRB in the next Base Realignment and Closure (BRAC) process and to protect the facility from adverse effects of urban encroachment.

The North Central Texas Council of Governments is organizing the RCC and requests nominations for two voting members from each participating city and county. Nominees may include, but not be limited to elected officials, appointed board members, or citizen representatives.

City Council Member Ron Sauma and Deputy City Manager Dave Gattis have expressed an interest in serving.

Motion by Mr. Bailey, seconded by Mr. Tully to appoint Mr. Sauma and Mr. Gattis to serve on the Naval Air Station Joint Reserve Base Regional Coordination Committee.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1764 Approve Marketing Coordinator position and annual budget

Andy Wayman gave the following report: At the September 12, 2007 City Council worksession, City Council instructed staff to reevaluate the "Tourism Director" position. The evaluation included salary structure, budgetary appropriations, chain of command, and assigned projects/tasks.

Staff conducted evaluation and developed a new job description. The new title recommended is "Marketing Coordinator" to better represent the functional elements of the position.

The proposed position will still be funded with Hotel/Motel Tax and will continue with the current job duties. Enhanced activities are included to better serve hotels and attract visitors. The position reports to the City instead of the Chamber of Commerce. All job tasks are in compliance with State law.

The proposed annual budget of \$86,560 includes \$70,280 for salary and benefits and \$16,280 for supplies and contracted services.

The annual Hotel/Motel Tax revenues are \$150,000. This amount should increase to nearly \$200,000 annually with the addition new hotels. Benbrook currently has \$325,000 in Hotel/Motel Tax reserves.

Motion by Mr. Sauma, seconded by Mr. Schull to authorize the Marketing Coordinator position with a budget of \$86,560.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. CONTRACT

C-233 Approve contract with Standard Insurance Company for Employee Life Insurance

Sherri Newhouse gave the following report: Standard Insurance Company has provided life insurance to City employees and their dependents since December 1991. The monthly premium for employees is \$16.50 and dependent cost is \$2.99.

The current employee coverage is \$50,000 for death benefit, \$100,00 for accidental death and \$150,000 for accidental death while wearing a seat belt. Retiree coverage is the same. Dependent coverage is \$10,000 for spouse and \$5,000 for child.

Employees are provided with the opportunity to enroll in Standard's supplemental life plan; premiums are paid through payroll deduction. Additional coverage is available for an amount equal to the employee's annual salary. Premiums are based on the employee's age and the City does not contribute toward the supplement coverage.

During the review of the 2007-08 Budget, City Council asked staff to request Standard to provide rates to increase the employee death benefit to \$100,000 and to \$150,000.

In December 2007, Standard notified the City that monthly life insurance premiums would not increase for employees and dependents. These rates reflected no change in benefits from the current plan.

Standard provided a proposal to increase the death benefit to \$150,000. This proposal does not include adjustments for dependent benefits. Standard's proposal also limits the death benefit for retirees to \$50,000. Standard requires that the City terminate its supplemental life program.

The Standard Alternate proposal rate would be \$24.00 for both employees and retirees. There is no change to dependent benefits.

The 2007-08 Budget includes \$22,661 for life insurance premiums for one hundred-nine employees; this allocation was based on a 15% increase in rates.

Based upon a March 1, 2008 effective date, the City's annual cost for premiums for one hundred-nine employees is approximately \$27,305. This amount is \$2,644 over the 2007-08 Budget allocation. However, the City will realize significant

savings in annual employee premium costs for group health and dental insurance, so funds are available in the 2007-08 Budget.

The contract with Standard would be effective March 1, 2008 with employee death benefit of \$150,000. There is no change in dependent coverage and the retiree benefit would remain \$50,000. The City would eliminate the Supplemental Coverage and pay 100% of the employee premium.

Motion by Mr. Schull, seconded by Mr. Sauma to accept staff recommendation for the contract with Standard Insurance Company for dependent life insurance.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 9:18 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary