



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 5, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, June 5, 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
Ron Sauma
James Schull
Keith Bailey
Mark Washburn

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Walter Shumac, Public Service Director

Others Present:

Lynn Dalton, Benbrook News
Ed Gallagher
Mr. and Mrs. Bob Rowley
Bill Smith
Mercedes Bolen
Larry Stowe

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Associate Pastor Drew Jackson with Benbrook Christian Fellowship.

The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held May 15, 2008

Motion by Mr. Tully, seconded by Mr. Washburn to accept the minutes of the regular meeting held May 15, 2008 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY TAX INCREMENT FINANCE BOARD

TIF-2008-01 Authorize additional payment for I-20 Ramp Relocation and Texas Turn-Around Project to be repaid by TIF District

Dave Gattis gave the following report: The Benbrook Economic Development I-20 Corridor Study recommended construction of the ramp relocation to stimulate development along I-20.

The Tax Increment Financing Board (TIF) budgeted \$3.4 million for local share of I-20 Ramp relocation and Texas Turn-Around Project. TIF paid for engineering design of the project. Local cost share at the beginning of construction was \$1,420,514 including \$250,000 contribution from EDC.

TxDOT approved 17 change orders during the project totaling \$743,934.11. TxDOT says the City must pay \$527,597.13. The TIF Board has agreed to reimburse the City out of future TIF revenues.

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

1. Pay up to \$527,597.13 to TxDOT from Account 04-4001-5219;
2. Make the appropriate budget adjustment from un-appropriated reserves, and;
3. Accept repayment of funds from the TIF District revenues

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

V. REPORT OF CITY MANAGER

G-1780 Adopt Ordinance amending Chapter 10.40 of the Benbrook Municipal Code (1985), as amended, by repealing and amending outdated provisions in Section 10.40.01-No Parking Anytime and by amending Section 10.40.020-No Parking-School Zones by extending No Parking, No Stopping, No Standing restrictions from 7:30AM to 4:00PM on School Days on certain streets around Western Hills High School

Walter Shumac gave the following report: The proposed revisions to Section 10.40.010 repeal paragraphs A.3, A.6, and A.8 respectively. A.3 and A.8 refer to Winscott Road and Vickery Boulevard when it was a two-lane asphalt roadway with four digit addressing system and was experiencing traffic flow problems when vehicles parked on both sides. The road has been widened to a four-lane concrete roadway, relieving parking congestion problems. The addressing also changed to a three digit system. A.6 refers to a section of roadway which connected US 377 with Del Rio Avenue. This section of roadway was eliminated when IH20/Loop 820 was constructed.

Paragraph A.7 is proposed to be amended to include Benbrook Boulevard in the description. Paragraph A.12 is proposed to be amended to coincide with the City's current City Limit.

Current school zone hours around Western Hills High School are from 7:30 AM to 3:30 PM. Section 10.40.020 – No Parking School Zone is proposed to be amended by extending the hours from 7:30 AM to 4:00 PM. School now ends at 3:35 PM and the time extension will minimize congestion by eliminating vehicles parking on both sides of the street. Streets in the Western Hills High School Area are: Westerly Road, Rush Street, Bangor Drive, Carrick Street, Lifford Street, Longford Street, Boston Avenue and Chapin Road.

If approved by City Council, City crews will revise the existing signs with the new times. The revised signs will be completed well before school begins. The materials cost will be absorbed with the Public Works budget.

Motion by Mr. Bailey, seconded by Mr. Sauma to approve Ordinance No. 1260 repealing and amending Section 10.40.010-No Parking Anytime and Section 10.40.020-No Parking School Zone.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1260 being “**AN ORDINANCE AMENDING CHAPTER 10.40 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REPEALING AND AMENDING OUTDATED PROVISIONS IN SECTION 1040.010-NO PARKING ANYTIME AND BY AMENDING SECTION 10.40.020.-NO PARKING-SCHOOL ZONES BY EXTENDING NO PARKING, NO STOPPING, NO STANDING RESTRICTIONS FROM 7:30 AM TO 4:00 PM ON SCHOOL DAYS ON THE FOLLOWING STREETS: BANGOR STREET, BOSTON AVENUE, CHAPIN ROAD, CARRICK STREET, LIFFORD STREET, LONGFORD STREET, RUSH STREET AND WESTERLY STREET; PROVIDING FOR VIOLATIONS, PENALTIES AND INJUNCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**”

**SECTION IV
PENALTY CLAUSE**

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00).

**SECTION XI
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

G-1781 Adopt Resolution for Participation in Tarrant County Community Block Grant Program, 2009-2011

Dave Gattis gave the following report: The City of Benbrook participates in the Community Development Block Grant (CDBG) Program through Tarrant County as an “Urban County”. The CDBG program has funded over \$3 million of projects in Benbrook.

To participate in the program, Benbrook must adopt a Resolution authorizing participation for a three-year period. The Resolution reflects new federal and state regulations.

Motion by Mr. Allison, seconded by Mr. Schull to adopt Resolution No. 2008-04 authorizing continued participation in the Tarrant County Community Development Block Grant (CDBG) Program through 2011.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2008-04 being **“RESOLUTION REGARDING CITY OF BENBROOK PARTICIPATION IN TARRANT COUNTY’S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE THREE PROGRAM YEAR PERIOD, FISCAL YEAR 2009 THROUGH FISCAL YEAR 2011.**

G-1782 Adopt Ordinance amending Chapter 1.12 of the Benbrook Municipal Code by revising credit card service fees, oil and gas drilling permit fees, and fishing pier access fees

Joanna King gave the following report: Chapter 1.12 of the Benbrook Municipal Code contains all fee requirements. Staff periodically reviews these fees to determine whether they need to be revised.

Staff is proposing the revision of fees in three areas:

1. Section 1.12.020-Administrative and User Fees

The Current administrative fee for credit card service is 5% of the transaction. Staff is proposing to amend the fee to 3% of the transaction with a maximum allowable transaction of \$1,000.

Presently, the only credit card transactions are on-line payments for Municipal Court citations. Plans are underway to provide credit card services (both online and in-house) to include other departments. Staff believes that the reduction in the percentage will generate more use of credit cards for City transactions.

2. Section 1.12.040-Business Licenses

The current fee and proposed Oil/gas well fees are:

	Current	Proposed
New application	\$1,500	\$5,000
Extension of permit	\$125	\$250
Annual inspection fee	\$100	\$500

Staff strongly believes the current fees do not cover the cost Benbrook’s citizens are incurring based on the time involved in these permits.

2. Section 1.12.070-Public Service

For security and maintenance reasons, the City installed a locked gate to the fishing pier located in Baja Beach. The City currently provides keys to users of the fishing pier at no cost. However, the City has seen an increase of vandalism and maintenance with access to the beach and fishing pier.

To monitor the use of the area, staff is proposing to register users, change the lock and reissue non-duplicable keys at a cost of \$25. In the event of continued misuse of the area, staff is requesting the City reserve the right to change the lock at anytime and require the public to purchase a new key.

Motion by Mr. Sauma, seconded by Mr. Schull to adopt Ordinance No. 1261 amending Chapter 1.12 of the Benbrook Municipal Code.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1261 being **“AN ORDINANCE AMENDING CHAPTER 1.12 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REVISING THE FEE SCHEDULE FOR THE CITY OF BENBROOK, BY REVISING CREDIT CARD SERVICE FEES, OIL AND GAS DRILLING PERMIT FEES, AND FISHING PIER ACCESS FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; 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 of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9

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

G-1783 Approve the mineral lease with Encana Oil and Gas Permit in Stevens Heights

Andy Wayman gave the following report: When a street is constructed in Benbrook, the street is normally dedicated to the public. Grace Cozby Drive and Council Drive, both accessible via Stevens Drive, were constructed approximately 50 years

ago. Both streets were deeded to the City of Benbrook and not dedicated to the general public. As a result, The City owns the minerals under both streets.

Encana Oil and Gas has secured the majority of the mineral leases in Stevens Heights area. Encana desires to lease the City's 3.1 acres to meet its pooling requirements. Staff has negotiated favorable lease terms including:

- \$25,000/acre bonus
- 27% royalty

The City Attorney drafted the proposed lease which has been executed by Encana.

Motion by Mr. Allison, seconded by Mr. Sauma to approve the mineral lease with Encana with proceeds placed in the Core Value Fund.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

X. INFORMAL CITIZEN COMMENTS

XI. ADJOURNMENT

Meeting adjourned at 7:58 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary