



**MINUTES  
OF THE MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, JUNE 18, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, June 18, 2009 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich  
Charlie Anderson  
Keith Bailey  
Mark Washburn  
Jim Wilson  
Ron Sauma

Also Present:

Andy Wayman, City Manager  
Sherri Newhouse, Budget Director  
Ed Gallagher, City Planner  
Phyllis Wolfe, Information Technology Director

Others Present:

Karen Barber  
Bill Smith  
Christian Henninge  
William Henninge  
Deborah Henninge  
Dan Tully  
Jess Jordan  
Diane Hildreth  
and four other citizens

**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 Councilmember Mark Washburn.  
The Pledge of Allegiance was recited.

### **III. MINUTES**

#### **1. Minutes of the regular meeting held June 4, 2009**

Motion by Mr. Bailey, seconded by Mr. Sauma to accept the minutes, as submitted, of the regular meeting held June 4, 2009.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mayor Dittrich, Mr. Washburn, Mr. Wilson, Mr. Sauma

Noes: None

Motion carries unanimously.

### **IV. PROCLAMATION/AWARD/RECOGNITION**

#### **1. Recognize Christian Henninge for perfect attendance Kindergarten through 12<sup>th</sup> Grade**

Western Hills High School graduate Christian Henninge was presented a plaque recognizing his perfect attendance from Kindergarten through 12<sup>th</sup> grade.

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

#### **PZ-2009-03 Adopt Ordinance vacating and abandoning a portion of a ten-foot wide utility easement located on Lots 16 and 17, Block 4, Brooks-Moreland Addition**

Mr. Gallagher presented the following report: Brooks-Mooreland Addition was platted in North Benbrook in April 1956. Lots 16 and 17 of Block 4 were the southern limit of the subdivision. The lots that back up to Mary's Creek extend to the middle of the creek and have a ten-foot wide utility easement crossing the lots, generally along the top of the creek bank. The easement extends to the south limit of the subdivision, being the south line of Lot 17. Overhead utility facilities were installed in the easement, extending from the north to 8501 Mary's Creek Drive (located on Lots 16 and 17), the last customer in the development.

In 1958 a single-family house was built on Lots 16 and 17 at 8501 Mary's Creek Drive. The overhead utilities from the north extend approximately 30 feet onto Lot 16 to serve the house and were not extended to the south limit of the subdivision. The house was constructed across the lot line between Lots 16 and 17 as the lots are platted, as well as across the ten-foot wide utility easement.

Development of the adjacent property to the south did not occur until the May 1972 platting of Hallman Addition. The Hallman Addition did not include the extension of the utility easement along the top of the creek bank.

The house crossing the lot line and in particular the house encroaching across the utility easements creates title exceptions when title insurance policies are issued with conveyances of the property.

The owner of the property has submitted a minor replat to combine the two lots into a single lot to eliminate the lot line encroachment. The replat application also proposes to vacate and abandon approximately 113 feet of the utility easement occupied by the house. The replat, combining the two lots and reflecting the vacation of a portion of the utility easement, will eliminate the two title exceptions with future conveyances of the property.

All utility suppliers have reviewed the requested vacation of the south portion of the utility easement and offered no objection provided the north portion of the easement that accommodates the existing utilities remain an easement as it has been since 1956.

Motion by Mr. Wilson, seconded by Mr. Anderson to adopt the ordinance vacating the south portion of the ten-foot wide utility easement on Lots 16 and 17, Block 4, Brooks-Moreland Addition and authorize the Mayor to execute a quitclaim deed releasing the interest of the City in the portion of the easement

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1288 being “**AN ORDINANCE VACATING AND ABANDONING A PORTION OF A TEN-FOOT WIDE UTILITY EASEMENT LOCATED ON LOTS 16 AND 17, BLOCK 4, BROOKS-MORELAND ADDITION; 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; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**”

## **VI. REPORTS OF CITY MANAGER**

### **G-1850 Accept financial report for month of May 2009**

Ms. Newhouse presented the following report: Revenues for the month of May were \$537,918. Most of this amount came from Sales Taxes and Franchise Taxes. Other significant revenues came from Property Taxes and Ambulance Fees. Current revenues exceed the amount collected in the prior year by \$1,245,452.

May expenditures were \$1,361,033. Year-to-date expenditures amounted to \$8,915,372. Through May, revenues exceed expenditures by \$3,070,846.

Investments were \$16,735,887 at May 31, 2009.

Motion by Mr. Washburn, seconded by Mr. Sauma to accept the monthly financial report for the month of May, 2009.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1851      Consider Support for Truck Lane Restrictions on I-20**

Mr. Wayman presented the following report: In late 2005 and early 2006, the North Central Texas Council of Governments implemented a pilot program to evaluate the effectiveness of restricting truck traffic from the left lane on certain Interstate Highways. The restrictions were applied to I-30 from Hulen to Collins in Tarrant County and on I-20 from Cedar Ridge to I-45 in Dallas County.

The Pilot Study provided the following conclusions: (1) there was a slight improvement in left lane travel speeds; speeds in other lanes stayed the same; (2) normal spacing exists for access and egress; the truck lane restrictions do not create a "wall of trucks" in the right lanes; (3) the overall percentage of trucks in the left lane decreased after restrictions began; the compliance rate in some sections was 99%; (4) there were decreases in crash rates after the truck lane restrictions were implemented; (5) 87% of the general public support expanding truck lane restrictions; however, only 17% of affected trucks support the restrictions; (6) compliance rates were similar with and without additional enforcement; crash rate reductions were evident with and without additional enforcement.

The NCTCOG now wants to expand the truck lane restrictions to include all of I-20 starting at West Loop 820 and eastward. The NCTCOG requests the affected cities (including Benbrook) submit a letter of support by June 30<sup>th</sup>.

Motion by Mr. Washburn, seconded by Mr. Bailey to authorize the City Manager to submit a letter of support for the expansion of truck lane restrictions along I-20 through Benbrook.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

**VII. INFORMAL CITIZEN COMMENTS**

**VIII. ADJOURNMENT**

Meeting adjourned at 7:45 P.M.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**