



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JULY 3, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, July 3, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Dan Tully
Ron Sauma
Keith Bailey
Mark Washburn
Rickie Allison

Also Present:

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

Others Present:

Lynn Dalton, Benbrook News
Ed Gallagher
Sherri Newhouse
Cathy Morris
Ron Rodgers
Kayla Stidham
Denzel Taylor
Thomas Johnson
Joe Kimball
Robin Gage
Sonya Wood
Leslie Worthington
Rena Wymore
Joe Morgan
Sherae Thompson
Chris Price
and 12 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 Pastor Todd Pylant with First Baptist Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held June 19, 2008

Motion by Mr. Sauma, seconded by Mr. Allison to accept the minutes of the regular meeting held June 19, 2008 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. STAFF PRESENTATION

1. Patty Bissey – Report on Vital Link Program

Patty Bissey made presentation on the recent Vital Link Program and introduced the Fort Worth ISD Students that participated with the City of Benbrook.

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2008-05 Adopt Ordinance rezoning Lot 22, Block 3, Benbrook Estates from “B” One Family District to “CR” Multiple Family District (219 Bandera) Public Hearing held June 19, 2008

Mayor Dittrich announced that this item would be taken out of order.

Dave Gattis gave the following report: The owner applicant is Thomas Johnson. The current zoning for Lot 22, Block 3, Benbrook Estates is “B” One Family and the proposed zoning is for “CR” Multiple Family Restricted District.

The Land Use Plan has shown the area as “Medium Density Residential” since the 1980’s to stimulate redevelopment of the area. No other lots on the street have been rezoned to “CR”, though both lots on the corner of Bandera and Mercedes have existing duplexes.

No one is entitled to a zoning change by right, but City Council should weigh the benefits and detriments of the rezoning request in making its decision.

City Council held a public hearing on June 19, 2008. The applicant, through his attorney, presented his plans for a duplex and the level of his proposed investment.

Seven neighbors spoke in opposition, citing concerns about traffic, change of neighborhood character, crime, property values, and opposition to renters and the potential types of renters that might live in a duplex. A written petition was submitted in opposition to the rezoning at the public hearing.

In making its determination, City Council should limit its consideration to the land use issues only. City Council should not consider any of the following in making its decision:

- The type of persons who might occupy the new residence(s)
- Whether the property will be rental property
- The specific value of the investment, except as how it may or may not preserve overall property values
- Any financial offers made by applicant or neighbors

Motion by Mr. Bailey, seconded by Mr. Allison to deny the zoning change request on Lot 22, Block 3, Benbrook Estates.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mr. Tully, Mr. Washburn, Mr. Sauma

Noes: Mayor Dittrich

Motion carries 5-1.

V. PRESENTATION BY PARK AND RECREATION BOARD

PR-2008-01 Consider termination of concessionaire lease for Benbrook Lake Marina (Denzel Taylor)

Walter Shumac gave the following report: Benbrook Lake Marina is currently leased to Denzel Taylor. The lease was approved by City Council on October 4, 2007.

Recently, Mr. Taylor has made a request to terminate his lease. To date, all monthly payments to the City have been submitted on time. Upgrades and repairs have also been made to the marina. The Parks and Recreation Board recommended approval of the lease termination at their June 11, 2008 meeting.

Motion by Mr. Allison, seconded by Mr. Sauma to terminate the lease agreement with Mr. Denzel Taylor.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

PR-2008-02 Consider concessionaire lease with Benbrook Lake Marina LLC

Mr. Shumac gave the following report: Ron Rodgers and Kayla Stidham have formed a partnership designated as Benbrook Lake Marina LLC to manage Benbrook Lake Marina.

The proposed lease requested by the applicant is for 25 years. Staff is recommending a 10-year lease with a 5-year renewal option.

Monthly compensation to the City will be 3% of gross revenue, or \$200.00 per month, whichever is greater. The applicants have submitted a 5-year plan of improvements to the lease area.

Motion by Mr. Sauma, seconded by Mr. Tully to approve a 10-year lease agreement with Benbrook Lake Marina LLC with a 5-year renewal option.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

PR-2008-03 Discuss ordinance banning smoking at public parks

Mr. Shumac gave the following report: The Parks and Recreation Board has recommended "No Smoking" restrictions in the City's parks, specifically within 50 feet of all dugouts, playing fields, bleachers, playground equipment, concession stands and restrooms.

An informal survey of several cities in the Metroplex revealed two that prohibit smoking in public parks. Arlington prohibits smoking with fifty feet of dugouts, bleachers, playground equipment, park restrooms and swimming pools. McKinney prohibits smoking around all developed facilities within their parks.

The current City of Benbrook ordinance prohibits smoking in public buildings and within 25 feet of an entrance to a public building. Signage and enforcement of a "No Smoking" ordinance in City parks may be difficult.

Following discussion, motion by Mr. Washburn, seconded by Mr. Allison to direct staff to bring back an ordinance for future consideration.

Vote on the Motion:

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

Noes: Mr. Sauma

Motion carries 5-1.

VII. REPORTS OF CITY MANAGER

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 8:10 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary