



**MINUTES
OF THE MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
NOVEMBER 19, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, November 19, 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
Jim Wilson
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
David Ragsdale, Comptroller
Walter Shuman, Public Service Director
Tommy Davis, Fire Chief

Others Present:

Ed Gallagher, City Planner
Bob Rowley, City Engineer
Karen Barber, Benbrook News
Jeff Bailey
Bill Smith
Jess Jordan
Kyle Carr
Larry Stowe
Joe Sherwood
Vincent Brown
and 3 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 Mr. Billy Smith.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held November 5, 2009

Motion by Mr. Sauma, seconded by Mr. Bailey to approve the minutes of the regular meeting held November 5, 2009.

Vote on the Motion:

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

Abstain: Mr. Wilson

Noes: None

Motion carries 4-1-0.

IV. PROCLAMATION/AWARDS/RECOGNITION

1. Certificate of Appreciation from U. S. Army

First Sergeant Jeff Bailey with the 98th Aviation Squad in Grand Prairie, Texas presented Fire Chief Tommy Davis with a Certificate of Appreciation from the U.S. Army.

Sgt. Bailey stated that as a member of the City's Fire Support Unit, Chief Davis has supported him and his family during his times of mobilizations, deployments, and week-end service with the U.S. Army. He stated Chief Davis has also supported him during his employment with the CFSU and this certificate is a token of his appreciation.

V. PRESENTATION BY MAYOR AND COUNCILMEMBERS

1. Select Chair for Tax Increment Financing Board of Directors

Motion by Mr. Wilson, seconded by Mr. Bailey to appoint Charlie Anderson as Chair for the Tax Increment Financing Board of Directors.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1881 Finance report for month ending October 31, 2009

David Ragsdale gave the following report: General Fund Revenues for the month of October totaled \$642,033. October General Fund Expenditures totaled \$1,362,555.

Investments were \$13,371,378 at October 31, 2009. This entire amount is available immediately if needed.

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1882 Award Hotel/Motel Tax for Fiscal Year 2009-2010

Mr. Ragsdale gave the following report: Each year, the City solicits applications for the use of Hotel/Motel Occupancy Tax funds. This year, staff sent out request for proposals to seven organizations and received six proposals:

Motel 6 and Best Western/Comfort Inn requested money to enhance their advertising budgets. The Benbrook Chamber of Commerce requested funds for reimbursement of expenses related to visitor information packets. VSA requested support for art workshops. Finally, the City requested the continuation of funds for the Visitor Center and funds to cover advertising expenses for the Heritage Festival.

Motion by Mr. Bailey, seconded by Mr. Anderson to authorize distribution for Hotel/Motel Occupancy Tax for the 2009-2010 fiscal year.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1883 Authorize funding for pedestrian bridges at Twilight Park and Timbercreek Park

Mr. Shumac gave the following report: Earlier this year, City Council requested Staff to evaluate a pedestrian bridge across Plantation West Creek in Twilight Park. The recently completed drainage project makes it impossible to cross the creek from one side of Twilight Park to the other.

A similar condition also exists at Timbercreek Park. A 20-foot pedestrian access easement was platted in 1988 to provide access to Timbercreek Park from Dogwood Drive to the north, but is impassible across Timber Creek.

Staff investigated a number of options for inexpensive bridges, such as used bridges. Staff could not identify a viable option that provided a financial advantage or met safety standards. As a result, Staff recommends installation of new prefabricated bridges on professionally-designed and constructed abutments. The City Engineer estimates that each bridge can be designed and constructed for approximately \$80,000 for a total estimated cost of \$160,000. Engineering costs are approximately \$20,000 and construction costs approximately \$140,000.

Staff recently contacted Chesapeake Energy to inquire about the proposed water pipeline and related contribution to the bridge project. Chesapeake has dropped the project and will not be making a related contribution to the bridges.

No funds are included in this year's budget for the project; however, \$23,600 in Park Dedication Funds is available that could be used for the Twilight Park Bridge and \$30,800 is available for use on the Timbercreek Park Bridge. The Park Dedication Funds are separated and earmarked based on the Planning Area the funds are dedicated. For the Twilight Drive Park Bridge, approximately \$56,400 would remain unfunded and for the Timbercreek Bridge, approximately \$49,200 would remain unfunded, for a total of \$105,500. The funds could come from the General Fund Reserves. Building both bridges at the same time may provide a small cost savings.

Motion by Mr. Anderson, seconded by Mr. Sauma to authorize the design and construction of both the Timbercreek and Twilight pedestrian bridges at a total approximate cost of \$160,000 and authorize use of Park Dedication Funds with the remainder from General Fund Reserves.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1884 Adopt Resolution supporting participation in the Energy Efficiency and Conservation Block Grant Program

Walter Shumac gave the following report: The American Recovery and Reinvestment Act (ARRA) of 2009, signed into law on February 17, 2009 provides funding intended to stimulate the economy and create jobs. ARRA includes \$3.2 billion for the Energy Efficiency and Conservation Block Grant (EECBG) Program. Through EECBG, the City of Benbrook may be eligible for up to \$75,000 in grant funding for municipal energy conservation activities. As part of the application process to receive funding, the City is required to pass a resolution supporting participation in the EECBG Program.

EECBG funds can be used for any number of energy conservation activities including:

- Developing and implementing building codes and inspection services to promote energy efficiency in buildings.
- Conducting municipal building energy audits.
- Improving municipal building energy consumption.
- Applying and implementing energy-distribution technologies that significantly increase energy efficiency, including distributed resources and district heating and cooling systems.
- Development of non-highway transportation infrastructure, such as bike lanes and pathways, and pedestrian walkways.
- Replacing traffic signals and street lighting with energy-efficient lighting technologies, including light emitting diodes and any other technology of equal or greater energy efficiency.
- Synchronization of traffic signals.

Motion by Mr. Wilson, seconded by Mr. Sauma to adopt the Resolution supporting participation in the Energy Efficiency and Conservation Block Grant Program.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2009-09 being **“A RESOLUTION SUPPORTING CITY OF BENBROOK PARTICIPATION IN THE ENERGY CONSERVATION BLOCK GRANT PROGRAM”**.

G-1885 Adopt Ordinance amending the Benbrook Municipal Code Chapter 8.48-Regulations of Smoking – to regulate smoking in public parks

Mr. Shumac gave the following report: The Park and Recreation Board, at their June 11, 2008 meeting, voted unanimously to recommend that City Council consider a smoking ban in certain areas of public parks. At the City Council meeting held July 3, 2008, City Council directed Staff to draft an ordinance and place the item on a future agenda. At the City Council meeting held August 7, 2008, City Council pulled the item from consideration.

As a result of the recent City Council worksession, Staff drafted an ordinance prohibiting smoking in public parks other than on and within parking lots.

The City currently prohibits smoking in public buildings and within 25 feet of an entrance to a public building.

Should City Council approve the proposed ordinance, Staff will place “no smoking” signs in appropriate locations and inform the public through the local newspaper, website, newsletter, etc.

Motion by Mr. Bailey, seconded by Mr. Wilson to adopt the ordinance prohibiting smoking in certain areas in public parks.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1298 being **“AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 8.48 – REGULATIONS OF SMOKING OF THE BENBROOK MUNICIPAL CODE (1985) TO REGULATE SMOKING IN PUBLIC PARKS; 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 III
PENALTY CLAUSE**

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 X
EFFECTIVE DATE

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

B. CONTRACTS

C-255 Award Contract with Emergency Communications Network for CodeRED Weather Warning Notification System

Fire Chief Tommy Davis gave the following report: In October of 2005, the City of Benbrook began contracting with Emergency Communications Network, Inc. (ECN) for the CodeRED emergency notification system. ECN has now developed a system called the CodeRED Weather Warning (CRWW) notification system.

The CRWW product was designed to automatically deliver targeted severe weather, flash flood and tornado warning alerts moments after being issued by the National Weather Service (NWS). The calls are delivered so quickly, they often arrive prior to any other public notifications providing citizens with extra time to prepare.

When the NWS issues a bulletin identifying a storm, CRWW instantly picks it up and interprets it to determine the severity and the exact areas impacted. A calling database of all subscribers within the projected path is generated and telephone messages are sent immediately.

To deliver the alerts, CRWW utilizes a sophisticated dialing infrastructure capable of transmitting millions of messages an hour. But the real benefit comes from the automation. Since alerts are initiated without intervention, there is no delay in sending the calls.

Features of the CodeRED Weather Warning are automatically initiated messages, geographically targeted warnings, polygon methodology, and opt-in model.

The start-up of the CodeRED Weather Warning system is \$5,720 for the remainder of the fiscal year and the contract would commence on December 1, 2009. Thereafter, the contract would be \$6,250 annually.

Motion by Mr. Anderson, seconded by Mr. Wilson to approve the contract with Emergency Communications Network for the CodeRED Weather Warning System at a cost of \$5,720 for fiscal year 2009-2010 to be charged to account 01-1501-5219.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

C-256 Approve Tarrant County Fire and EMS Contract for 2010

Chief Davis gave the following report: For a number of years, Tarrant County has contracted with the Benbrook Fire Department to provide fire and EMS services to portions of unincorporated Tarrant County.

The City last renewed the annual Fire and EMS services agreement with Tarrant County in January 2009.

Contract continuation is beneficial to Benbrook for the following reasons:

- The 2009-2010 base rate for fire compensation (\$101,200) adequately compensates the City for services rendered.
- Provisions of the County provided super tanker precludes the purchase of this apparatus by Benbrook citizens.
- Provisions of a County provided brush truck also precludes the purchase of this apparatus by Benbrook citizens.
- Tarrant County also supplies two thermal imaging cameras.
- The 2009-2010 contract includes a grant from the district of \$19,852 for the purchase and replacement of fire and rescue equipment.
- The 2009-2010 rate of compensation for EMS (from points) is estimated to be \$99,000.
- The total cash reimbursement from Tarrant County to Benbrook is approximately \$200,200.
- The City also bills Tarrant County residents for EMS services at non-resident rates.

Tarrant County did not provide the new contract to Benbrook until after the new fiscal year had begun. The term of the contract is for one year, from October 1, 2009 to September 30, 2010.

Motion by Mr. Sauma, seconded by Mr. Wilson to approve the proposed contract for fire and EMS services for the assigned area of Tarrant County Emergency Services District #1 for fiscal year 2009-2010.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. INFORMAL CITIZEN COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 8:15 P.M.

APPROVED

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary