



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
DECEMBER 18, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, December 18, 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
Rickie Allison
Mark Washburn

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Ed Gallagher, Planner
Cathy Morris, Public Involvement Director
Walter Shumac, Public Service Director
Robert Rowley, City Engineer

Others Present:

Bill Smith
Sharon Rowley
Bob Clark
Joel Peel

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 Lonnie Huett with Restoration Family Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held December 4, 2008

Motion by Mr. Bailey, seconded by Mr. Tully to approve the minutes of the regular meeting held December 4, 2008.

Vote on the Motion:

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

Noes: None

Abstain: Mr. Washburn

Motion carries 5-0-1.

IV. PRESENTATION BY MAYOR AND COUNCILMEMBERS

1. Appointment to Place 2 Tax Increment Financing Board of Directors

Motion by Mr. Tully, seconded by Mr. Allison to appoint Kathy Culbertson to serve the balance of the term on Place 2 of the Tax Increment Financing Board of Directors.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

2. Councilmember Washburn – Consider Veteran Recognition Program

Councilmember Washburn asked that staff investigate a method to recognize the Benbrook residents that have served our Country. He also requested information on providing Veterans Day as a recognized holiday for City staff.

V. STAFF BRIEFING

1. Recognition of Bob Rowley and Terry Scruggs on completion of Plantation West Creek Channel

Mr. Shumac gave an overview of the drainage construction completed on the Plantation West Creek Channel. Mr. Shumac expressed appreciation for the expertise and dedication of Mr. Bob Rowley and Mr. Terry Scruggs in completing this project.

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2008-13 Adopt Ordinance rezoning Lots 1 through 16, Block 8, Lots 1 through 14, Block 9, Ridglea Country Club Estates (3901 through 4208, 4212, 4216, and 4300 Winding Way); Lots 1A, 1B, and 2 through 29, Block 21, Lots 1 through 16, Block 22, Lots 1 through 10, Block 23, Lots 1 through 8, Block 24, and Lots 7 through 12, Block 25, Ridglea Country Club Estates (7158 through 7261 Tamarak Road, 3705 through 3816 Hickory

Spring Road, 7250 through 7259 Valley Dale Court, 7254 through 7259 River Valley Court, 3750 through 3825 Hollow Creek Road, 7204 through 7217 Falling Spring Road, and 3600 through 3717 Myrtle Spring Road); Tract B2 and Lot A, Ridglea Country Club Estates (Ridglea Country Club Golf Course); Lot 1, Block 1, Vickery Industrial Addition, Lots 1R and 2R, Block 1, Beckman Industrial Park, Lots 1 through 14, Block 1, Lots 1R through 24, Block 2, and Lots 1R through 11, Block 3, Ridglea Industrial Addition, Lot 1, Block 1, Ed-X-Change Addition, Tracts 5E and 1B1 in the F.S. Perry Survey Abstract Number 1226, Tracts 1E3, 1C6, 1C4, 1C8, 1C7, 1C4D, 1C, 1C4C, 1C2, 1C3, 6, 1A1A, 1B1A, 1C1A, and 1B2B in the James Rogers Survey Abstract Number 1265, Tracts 5 and 5D in the B.J. Foster Survey Abstract Number 520, Lot 1, Block 1, Creekside Addition, Lot 1, Block 1, Fort Worth Horseshoe Club Addition, and Lot 1, Block 1, Frank Goldthwaite Arena Addition (south side of West Vickery Boulevard from 7111 through 7461, and east and west sides of Vickery Loop East and Vickery Loop West, Missouri Pacific Railroad right-of-way, and TXU Electric transmission right-of-way); Lots 1 and 2, Radio & Television Commission Addition, Lot 1R, Block 1, Lot 21, Block 2, Lots 1 through 7, Block 4, Lots 1 and 2, Block 5, Lots 1 through 3, Block 6, Lots 1A, 1B, 2, and 3R1, Block 7, and Lots 1R and 2R, Block 8, Benbrook Industrial Park, Lot 2, Block 1, Northeast Winscott Addition, Tracts 4B, 4A, 6F, 6H, 6J, 6K, and 7 in the B.J. Foster Survey Abstract Number 520, and Tracts 2, 2A, and 2D in the J. Cambo Survey Abstract Number 362 (east side of Winscott Road from 315 to 501 and 581, 7470 to 7616 Benbrook Parkway, 7500 to 7543 Kathy Lane, and 7860 Winbrook Drive; Missouri Pacific Railroad right-of-way; and TXU Electric transmission right-of-way) Tracts 5A, 5B, 5B1, 5B2, and 5C in the James Rogers Survey Abstract Number 1264 (north of IH20/Loop 820, west of Block 9 of Ridglea Country Club Estates) to apply “NAS” (Naval Air Station) Overlay District zoning classification to the existing underlying zoning district classification of each property.

Ed Gallagher gave the following report: This is the second of two NAS Overlay District rezoning considerations. Except for the property involved it is the same as the one that was on the November 20 City Council agenda.

The rezoning consideration is to establish the geographical boundaries of the recently established “NAS” Overlay District zoning classification. The regulatory text of the Zoning Ordinance for “NAS” Overlay District was approved by City Council last April and the current proposition is to apply the overlay district to the appropriate areas on the zoning map.

As in November, the City is the applicant in the rezoning to add the “NAS” District Overlay District to portions of Planning Area “B” in Ridglea Country Club Estates and the area east of Winscott Road between Vickery Blvd. and Loop 820. There are numerous owners of the residential and commercial properties involved.

The "NAS" Overlay District includes the areas affected by the average day-night 65 decibel noise contour resulting from aircraft operations at the Naval Air Station Fort Worth Joint Reserve Base. The overlay district is added to the underlying zoning classifications of the property that regulates uses, setbacks, and other typical zoning specifications. The overlay district does not require any changes or alternations to any established uses or structures but does affect future construction regarding design and materials to reduce the noise level impact inside new structures, particularly dwellings.

The "NAS" Overlay District is compliant with the Energy Code and meets noise limits in most cases. The "NAS" Overlay District does not affect existing homes, buildings or uses.

The Planning and Zoning Commission held a public hearing on November 13 and unanimously recommended City Council approve the rezoning.

Mayor Dittrich opened the public hearing at 7:53 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:53 p.m.

Motion by Mr. Sauma, seconded by Mr. Tully to adopt Ordinance No. 1279 rezoning the subject properties with the addition of the "NAS" Overlay District to the current underlying zoning district classification of each property.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1279 being "AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY CHANGING THE ZONING CLASSIFICATION OF LOTS 1 THROUGH 16, BLOCK 8, LOTS 1 THROUGH 14, BLOCK 9, LOTS 1A, 1B, AND 2 THROUGH 29. BLOCK 21, LOTS 1 THROUGH 16, BLOCK 22, LOTS 1 THROUGH 10, BLOCK 23, LOTS 1 THROUGH 8, BLOCK 24, AND LOTS 9 THROUGH 12, BLOCK 25, RIDGLEA COUNTRY CLUB ESTATES; TRACT B2 AND LOT A, RIDGLEA COUNTRY CLUB ESTATES; LOT 1, BLOCK 1, VICKERY INDUSTRIAL ADDITION; LOTS 1R AND 2R, BLOCK 1, BECKMAN INDUSTRIAL PARK; LOTS 1 THROUGH 14, BLOCK 1, LOTS 1R, 4R, 8 THROUGH 20, 21R, 23 AND 24, BLOCK 2, AND LOTS 1R AND 4 THROUGH 11, BLOCK 3, RIDGLEA INDUSTRIAL ADDITION; LOT 1, BLOCK 1, ED-X-CHANGE ADDITION; TRACTS 5E AND 1B1 IN THE F.S. PERRY SURVEY ABSTRACT NUMBER 1226; TRACTS 1E3, 1C6, 1C4, 1C8, 1C7, 1C4D, 1C, 1C4C, 1C2, 1C3, 6, 1A1A, 1B1A, 1C1A, AND 1B2B IN THE JAMES ROGERS SURVEY ABSTRACT NUMBER 1265; TRACTS 5 AND 5D IN THE B.J. FOSTER SURVEY, ABSTRACT NUMBER 520; LOT 1, BLOCK 1, CREEKSIDE ADDITION; LOT 1, BLOCK 1, FORT WORTH HORSESHOE CLUB ADDITION; LOT 1, BLOCK 1, FRANK GOLDTHWAITE ARENA

ADDITION; LOTS 1 AND 2, BLOCK 1, RADIO & TELEVISION COMMISSION ADDITION; LOT 1R, BLOCK 1, LOT 21, BLOCK 2, LOTS 1 THROUGH 7, BLOCK 4, LOTS 1 AND 2, BLOCK 5, LOTS 1 THROUGH 3, BLOCK 6, LOTS 1A, 1B, 2, AND 3R1, BLOCK 7, AND LOTS 1R AND 2R BLOCK 8, BENBROOK INDUSTRIAL PARK; LOT 2, BLOCK 1, NORTHEAST WINSOTT ADDITION; TRACTS 4B, 4A, 6F, 6H, 6J, 6K, AND 7, IN THE B.J. FOSTER SURVEY ABSTRACT NUMBER 520; TRACTS 2, 2A , AND 2D IN THE J. CAMBO SURVEY ABSTRACT NUMBER 362; TRACTS 5A, 5B, 5B1, 5B2, AND 5C IN THE JAMES ROGERS SURVEY ABSTRACT NUMBER 1264; FROM “CF-PD” COMMUNITY FACILITIES PLANNED DEVELOPMENT DISTRICT, “SD” SUBURBAN DISTRICT; “A” ONE FAMILY DISTRICT, “B-PD” ONE FAMILY PLANNED DEVELOPMENT DISTRICT, “C” MULTIPLE FAMILY DISTRICT, “G’ COMMERCE DISTRICT, “H” INDUSTRIAL DISTRICT AND “PD” PLANNED DEVELOPMENT DISTRICT, RESPECTIVELY, BY APPLYING THE “NAS” OVERLAY DISTRICT TO THE EXISTING UNDERLYING ZONING DISTRICT CLASSIFICATIONS OF SUCH PROPERTY; AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1

Ordinance No. 808, as amended, is hereby amended by applying the “NAS” Overlay District zoning regulations to the underlying zoning district classifications of the following properties in the City of Benbrook, Tarrant County, Texas, which underlying zoning district classifications are shown below:

- A. “CF-PD” Community Facilities Planned Development District
Lot A, Ridglea County Club Estates

Tract B2, Ridglea Country Club Estates

- B. “SD” Suburban District
Lot 1, Block 1, Creekside Addition

Lot 1, Block 1, Fort Worth Horseshoe Club Addition

Lot 1, Block 1, Frank Goldthwaite Arena Addition

- C. “A” One Family District
Lots 1 through 16, Block 8; Lots 1 through 14, Block 9; Lots 4 through 29, Block 21; Lots 1 through 16, Block 22; Lots 1 through 10, Block 23; Lots 1 through 8, Block 24; and Lots 9 through 12, Block 25, all in Ridglea Country Club Estates

- D. “B – PD” One Family Planned Development District
Lots 1A, 1B, Block 21, Ridglea Country Club Estates

- E. “C” Multiple Family District

Lots 2 and 3, Block 21, Ridglea Country Club Estates

F. “G” Commerce District

Tracts 2 and 2A, J. Cambo Survey Abstract No. 362

Tracts 5B1, 5B2 and 5C, J. Rogers Survey Abstract No. 1264

Tracts 1B1A and 1C1A, J. Rogers Survey Abstract No. 1265

G. “H’ Industrial District

Lot 1, Block 1, Vickery Industrial Addition

Lots 1R and 2R, Block 1, Beckman Industrial Park

Lots 1 through 14, Block 1, Ridglea Industrial Addition

Lots 1R, 4R, 8 through 20, 21 R, 23 and 24, Block 2, Ridglea Industrial Addition

Lots 1R and 4 through 11, Block 3, Ridglea Industrial Addition

Lot 1, Block 1, Ed-X-Change Addition

Lots 1 and 2, Block 1, Radio & Television Commission Addition

Tracts 5E and 1B1, F.S. Perry Survey Abstract Number 1226

Tracts 1E3, 1C6, 1C4, 1C8, 1C4D, 1C, 1C4C, 1C7, 1C2, 1C3, and 6, J. Rogers Survey Abstract No. 1265

Tracts 5, 5D, 4B, 4A, 6F, 6H, 6J, 6K and 7, B.J. Foster Survey Abstract No. 520

Lot 1R, Block 1; Lot 21, Block 2; Lots 1 through 7, Block 4; Lots 1 and 2, Block 5; Lots 1 through 3, Block 6; Lots 1A, 1B, 2, and 3R1, Block 7; Lots 1R and 2R, Block 8; all in Benbrook Industrial Park

Lot 2, Block 1, Northeast Winscott Addition

Tract 2D, J. Cambo Survey Abstract No. 362

H. “PD” Planned Development District

Tracts 5A and 5B, J. Rogers Survey Abstract 1264

Tract 1A1A, J. Rogers Survey Abstract No. 1265.

The above properties and the boundaries of the “NAS” Overlay District are depicted on Exhibit “A” which is attached hereto and made a part hereof by reference; provided, however, that when only part of a platted lot or an unplatted tract of land is shown to be in the “NAS” Overlay District, the entire area of such

lot or tract shall be deemed to be in the District. If any such unplatted tract of land is subsequently subdivided into two or more lots by an approved subdivision plat, and any of the platted lots are located entirely outside the "NAS" Overlay District, the District shall be automatically revised by the approval and recording of such plat to exclude those lots with no further zoning action required.

The location of the above portion of the "NAS" Overlay District located in the City of Benbrook is generally described as follows:

3901 through 4208, 4212, 4216, 4300 Winding Way; 7158 through 7261 Tamarak Road; 3705 through 3816 Hickory Spring Road; 7250 through 7259 Valley Dale Court; 7254 through 7259 River Valley Court; 3750 through 3825 Hollow Creek Road; 7204 through 7217 Falling Spring Road; 3600 through 3717 Myrtle Spring Road; Ridglea County Club Golf Course; south side of West Vickery Boulevard from 7111 through 7461; east and west sides of Vickery Loop East and Vickery Loop West; Missouri Pacific Railroad right-of-way; TXU Electric transmission right-of-way; east side of Winscott Road from 315 to 501 and 581; 7470 to 7616 Benbrook Parkway; 7500 to 7543 Kathy Lane; and 7860 Winbrook Drive.

SECTION 8

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PZ-2008-14 Adopt Ordinance amending Section 4 – Definitions; Section 5 – Districts, District Boundaries, and District Uses; Section 7 – “SD” Suburban District; Section 9 – “A” One Family District; Section 10 – “B” One Family District; Section 11 – “BR” One Family Reduced District; Section 12 – “CR” Multiple Family Restricted District; Section 13 – “C” Multiple Family District; Section 14 – “D” Multiple Family District; Section 15 – “E” Commercial District; Section 16 – “F” Commercial District; Section 17 – “HC” Highway Corridor District; Section 18 – “G” Commerce District; Section 19 – “H” Industrial District; Section 20 – “MH” Manufactured Home District; Section 20A – “MU” Mixed Use District; Section 21A – “NAS” Overlay District; Section 23 – Supplementary District Regulations; Section 25 – Sign Regulations; Section 29 – Board of Adjustment; and Section 34 – Changes and Amendments of the Zoning Ordinance of the City of Benbrook, Ordinance Number 808, as amended

Ed Gallagher gave the following report: The City is the applicant of the proposed zoning text amendments. Part of the amendments is our annual update along with amendments for regulating natural gas compressor stations. State law precludes municipalities from a lot of regulations of natural gas activities and gas utilities in general. But the attorneys believe the City can regulate the location and treatment of natural gas compressor stations.

The proposed ordinance permits the use in H-Industrial District and prohibits it in “RE” Residential Estates Districts, “SD” Suburban District, “A” One Family District, “B” One Family District, “BR” One Family Reduced District, “CR” Multiple Family Restricted District, “C” Multiple Family District, “D” Multiple Family District, and “MH” Manufactured Home District. Compressor stations would be allowed in all other zoning districts by Special Exception Permit to be granted by the Zoning Board of Adjustment.

The proposed performance standards for natural gas compressor stations are:

- a. Requires site plan approval
- b. Requires F2 bufferyard (10-foot wide with 6-foot masonry wall plus plantings)
- c. Noise limited to 55 dB(a) at residential, church, hospital or park property lines
- d. Limits signage to 32 square feet
- e. Requires 300-foot separation from residential, 600-foot without written concurrence from adjacent property owners, and 1,000 feet from schools or public buildings

Some other miscellaneous changes proposed in the annual review are:

- a. Definition of “changeable copy sign” revised to conform with new TxDOT regulations
- b. Revised the definition of “utility facilities” is changed to reflect the current name of Benbrook Water Authority
- c. Eliminated the height restrictions on accessory buildings
- d. Section on three-quarter (3/4) vote by City Council has been rewritten, but not changed.

The Planning and Zoning Commission held a public hearing at their November 13 meeting and unanimously recommended City Council approval of the amendments to Ordinance No. 808.

Mayor Dittrich opened the public hearing at 8:03 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:04 p.m.

Motion by Mr. Allison, seconded by Mr. Bailey to adopt Ordinance No. 1280 revising the Zoning Ordinance regarding natural gas compressor stations and other miscellaneous provisions.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1280 being “AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY AMENDING SECTION 4-DEFINITIONS; SECTION 5-DISTRICTS,

DISTRICT BOUNDARIES AND DISTRICT USES; SECTION 6-CF-COMMUNITY FACILITIES DISTRICT; SECTION 7-SD-SUBURBAN DISTRICT; SECTION 8-RESIDENTIAL ESTATES DISTRICT; SECTION 9-A-ONE FAMILY DISTRICT; SECTION 10-B-ONE FAMILY DISTRICT; SECTION 11-BR-ONE-FAMILY REDUCED DISTRICT; SECTION 12-CR-MULITPLE FAMILY RESTRICTED DISTRICT; SECTION 13-C-MULITPLE FAMILY DISTRICT; SECTION 14-D-MULTIPLE FAMILY DISTRICT; SECTION 19-H-INDUSTRIAL DISTRICT; SECTION 20-MANUFACTURED HOME DISTRICT; SECTION 23-SUPPLEMENTAL DISTRICT REGULATIONS; SECTION 29-BOARD OF ADJUSTMENT; AND SECTION 34-CHANGES AND AMENDMENTS; 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 PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

SECTION 19

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 of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 23

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.

V. REPORTS OF CITY MANAGER

A. GENERAL

G-1824 Accept financial report for month ending October 31, 2008

Andy Wayman gave the following report: General Fund revenue for the month of October totaled \$572,923. The major source of revenue came from Property Taxes, Sales and Other Taxes, Franchise Taxes and Ambulance Fees.

General Fund expenditures totaled \$1,172,669. At October 31, expenditures exceeded revenues by \$599,746.

Investments were \$10,797,231 at October 31, 2008. This entire amount is available immediately if needed.

Motion by Mr. Washburn, seconded by Mr. Sauma to accept the financial report for the month of October, 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1825 Accept financial report for month ending November 30, 2008

Andy Wayman gave the following report: General Fund revenues for the month of November totaled \$625,592. Year-to-date collections are \$66,953 ahead of last year.

General Fund expenditures totaled \$1,105,137. At November 30, expenditures exceeded revenues by \$1,079,291.

Investments were \$10,298,985 at November 30, 2008. This entire amount is available immediately if needed.

Motion by Mr. Sauma, seconded by Mr. Allison to accept the financial report for the month of November 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1826 Adopt resolution seeking legislative action regarding gas utility pipeline operations

Cathy Morris gave the following report: Many Barnett Shale cities are concerned with the emerging practice by energy companies to utilize eminent domain powers to build multiple, and sometimes redundant, pipelines across properties to move gas from well heads.

Cities have little or no control over pipeline routes, and may not even be notified of pipeline installation. Not only does the use of eminent domain often offend private land owners, but future land use may be limited by forcibly obtaining permanent easements.

Current Texas law allows “public utilities” the power of eminent domain, or the taking of land for the purpose of delivering a product for public use. Currently, the gas production companies can form a pipeline or “midstream” division, and operate under this arrangement.

Since these companies are mostly interested in taking the shortest, least expensive pipeline route, they may not consider the integrity of neighborhoods or the land use plans of municipalities in their pipeline route decisions.

There is growing argument that the law was not intended to bestow eminent domain powers on this private industry, and the legislature should revisit the preempting of municipalities from regulating the practices of gas utilities.

Since July 2008, over 30 Texas Cities have passed a similar resolution, and the Texas Municipal League has agreed to lobby the 81st Legislative Session in support of more local control of pipeline company activities.

Motion by Mr. Tully, seconded by Mr. Washburn to adopt the resolution seeking legislative action regarding gas utility pipeline operations as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2008-08 being **“A RESOLUTION SEEKING LEGISLATIVE ACTION REGARDING GAS UTILITY PIPELINE OPERATIONS”**.

G-1827 Consider projects and call public hearing for 35th Year Community Development Block Grant Application

Mr. Bob Rowley gave the following report: The Community Development Block Grant is a federal grant designed to benefit low or moderate income neighborhoods. Benbrook has received about \$3 million dollars through this program since 1975.

Eligible activities must meet the national objective of benefiting low income residents. The criteria can be broken into four subcategories:

1. those based on area benefit
2. those based on limited clientele
3. those involving housing, and
4. those involving jobs

A area benefit is an area where the majority of residents meet the definition of low or moderate income. One area has been determined to qualify as a block group, thus allowing Benbrook to construct infrastructure improvements in this area. The area is roughly bounded by Benbrook Boulevard to the west, the I-20 frontage road to the north, Warden Street to the east, and Childress Avenue to the South. The City may use CDBG funds to construct streets, drainage improvements, alleys, and sidewalks within the area. The funds must only be used to benefit residential areas, as the County has rejected proposals that would benefit commercial or non-residential property.

The following projects should be given further consideration with the first three tentatively designed as highest priority:

- A. Construct additional sidewalks and wheelchair ramps within the Target Area
- B. Contract with Fort Worth Transportation Authority for Elderly and Handicapped Transit

- C. Pave alley between Mercedes and Cozby North Street
- D. Improve handicapped access within Dutch Branch Park.

Other possible projects that with lower priority include:

- E. Reconstruct Estes Street from Childers to Davidson
- F. Reconstruct Bryant Street from Childers to Davidson
- G. Build handicapped access across U.S. 377 to Dutch Branch Park
- H. Use CDBG funds to reduce user fees at Benbrook Community Center/YMCA
- I. Pay salary of Senior Citizens Coordinator
- J. Allocate funds to gang intervention and graffiti control
- K. Allocate funds to Meals on Wheels program

Motion by Mr. Tully, seconded by Mr. Tully to accept Staff recommendations to tentatively designate the construction of sidewalks on Usher Street and Childers Avenue in the Target Area as the 35th Year CDBG project and schedule a public hearing for January 6, 2008 to receive public comment.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. CONTRACT

C-239 Approve design contract with Hahnfeld, Hoffer and Stanford Architects for the expansion of the Benbrook Community Center/YMCA

Walter Shumac gave the following report: In 1997 voters approved funding for the Benbrook Community Center/YMCA construction. This was a collaboration of City of Benbrook, U.S. Army Corps of Engineers, Texas Parks and Wildlife and YMCA of Metropolitan Fort Worth.

The City entered into an agreement with the YMCA in 1999 for management and operations. The facility officially opened in June 2000.

Since that time, Benbrook's citizenry has embraced the YMCA management concept, community based programming and the facility itself. As a result of this success, the facility is frequently overcrowded during peak use times, making it difficult to utilize exercise equipment without a significant wait. Additionally, the child-watch center is dramatically undersized and usually overcrowded. Frustrated parents often leave the building without exercising or drop their membership outright.

BCC/YMCA Staff identified expansion of the fitness and child-care areas as the major immediate facility needs. Staff also reported that the majority of facility complaints relate to these two areas.

Recently, Chesapeake Energy made a \$500,000 commitment to help expand the BCC/YMCA. The City has received the first of five payments, \$100,000, for the current year. Financially, the City is well positioned for an expansion with approximately \$1.5 million in the Core Value Fund and General Fund reserves now in excess of \$7.3 million.

Hahnfeld Hoffer Stanford Architects Planners Interiors has submitted a contract to design an approximately 3,500 square foot expansion of the building. The fitness area expansion is approximately 2,000 square feet and the child-watch center expansion is approximately 1,500 square feet. The existing fitness area is approximately 2,300 square feet and the existing child-watch center is approximately 350 square feet. In accordance with the City's agreement with the YMCA, the City is responsible for the building and the YMCA is responsible for internal furnishings and equipment (estimated at \$350,000 for the expansion).

Staff recommends a two phase design process. The first phase authorizes staff to sign a contract for a lump sum amount of \$10,500 to complete a schematic design of the proposed expansion to include a final construction cost estimate. Once complete, the second phase is a separate design contract for the construction plans. The two phase approach allows flexibility in the design prior to the completion of construction documents. Currently, the architects estimated construction cost is \$175 per square foot. Staff would like to keep the City's project costs at \$800,000 or less. This will allow the City to maintain a General Fund Balance of approximately \$6.5 million and continue to earmark the Core Value Fund for the Benbrook Boulevard project.

Motion by Mr. Allison, seconded by Mr. Tully to authorize staff to execute a contract with Hahnfeld Hoffer Stanford Architects for the schematic design to expand the Benbrook Community Center/YMCA in an amount not to exceed \$10,500 to be paid from the Capital Projects Fund.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. INFORMAL CITIZEN COMMENTS

VII. ADJOURNMENT

Meeting adjourned at 8:37 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary