

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 7, 2008
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.
2. Receive other information from staff and Boards and Commissions.

**REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

**II. INVOCATION – Dr. Larry Sanders with Trinity Hills Baptist Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held January 17, 2008

IV. CITIZEN PRESENTATION

1. Paul Brown – Whitestone Ranch Homeowners Association – Appreciation to City for Fire Response

V. STAFF INFORMATION

1. Update on Fire Incident January 29, 2008
2. Provide Information regarding Code Red and E-Notifications through City's Website

VI. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Resolution Calling May 10, 2008 General Election and Authorizing Contract with Tarrant County for Joint Election

VII. PRESENTATION BY PLANNING AND ZONING COMMISSION

- PZ-2008-01 Ordinance vacating and abandoning part of Goliad Street, northwest of the intersection of Goliad Street and Del Rio Ave., and part of San Antonio Street

VIII. REPORTS OF CITY MANAGER

A. GENERAL

- G-1761 Appointment to Planning and Zoning Commission and Zoning Board of Adjustment/Board of Appeals
- G-1762 Resolution approving Local Project Advanced Funding Agreement for Benbrook Boulevard
- G-1763 Appointments to NAS Fort Worth JRB Regional Coordinating Committee
- G-1764 Approve Marketing Coordinator position and annual budget

B. CONTRACT

C-233 Approve contract with Standard Insurance Company for Employee Life Insurance

IX. OTHER MATTERS OF BUSINESS

X. INFORMAL CITIZEN COMMENTS – State Law prohibits any deliberation of or decisions regarding items presented in information citizen comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.

XI. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JANUARY 17, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, January 17, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
James Schull
Dan Tully
Larry Stowe
Keith Bailey
Ron Sauma
Rickie Allison, arriving late

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
David Ragsdale, Comptroller

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher, Planner
Walter Shumac, Public Service Director
Bob Rowley, Engineer
Bill Smith
And 5 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 of Benbrook
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held December 20, 2008

Motion by Mr. Sauma, seconded by Mr. Stowe to approve the minutes of the regular meeting held December 20, 2008.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

2. Minutes of the regular meeting held January 3, 2008

Motion by Mr. Tully, seconded by Mr. Stowe to approve the minutes of the regular meeting held January 3, 2008.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe

Noes: None

Abstain: Mr. Sauma

Motion carries 5-0-1.

IV. CITIZEN PRESENTATION

1. Judy Perrigo – Gas drilling issues

Ms. Perrigo was not in attendance.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1756 Financial report for month of December 2007

David Ragsdale gave the following report: General Fund revenues for the month of December totaled \$1,771,804. Year-to-date collections are \$134,797 ahead of last year. General Fund Expenditures for the month of December totaled \$1,086,182. At December 31, expenditures exceeded revenues by \$26,422.

Debt Service revenues were \$333,520 through the end of December. There have been no debt payments made.

EDC revenues were \$58,498 while expenditures were \$410,675. Through the end of the calendar year, total revenues were \$152,125 while expenditures amounted to \$548,027.

Capital Projects revenues were \$1,112,369, with \$1,000,000 coming from the sale of Storm Water CO's and \$112,369 coming from storm water fee collections. Capital Projects expenditures have been \$301,374, with almost this entire amount going toward Plantation West Creek.

Investments were \$11,162,332 at December 31. 2007.

Motion by Mr. Bailey, seconded by Mr. Schull to accept the financial report for the month of December 2007.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

G-1757 Hotel/Motel Bed Tax report

David Ragsdale gave the following report: Total Hotel Motel Tax collected for the period ending December 31, 2007 totaled \$36,489. Bed tax made up \$34,063 of this amount and interest provided \$2,425.

The Benbrook Chamber of Commerce submitted \$9,437 in salary and shared overhead expenses.

VSA did not submit expenses for the last reporting period. However, VSA has now submitted \$1,294 in expenses from last year. City Council can either accept the expenses and charge them to the current year budget or decline to reimburse the expenses.

Motion by Mr. Sauma, seconded by Mr. Schull to approve the \$1,294 from VAS to be charged to the 2007-2008 Hotel/Motel Tax Fund and approve the Benbrook Chamber expenses.

Mr. Sauma went on record to state that from now on bills must be submitted on time in order to be considered.

Vote on the motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

G-1758 Adopt Ordinance ratifying the Atmos Energy Mid-Tex Settlement Agreement and Tariffs

David Ragsdale gave the following report: The purpose of the proposed Ordinance is to endorse the Settlement Agreement between Atmos Cities Steering Committee (ACSC) and Atmos Energy Mid-Tex Division regarding the Company's Statement of Intent to increase rates and to approve tariffs that implement the terms of the Settlement Agreement

Approval of the Ordinance will result in a \$10 million increase in Atmos' revenues. This is an 80 percent reduction of the \$52 million requested by Atmos in its Statement of Intent. In addition, the tariffs approved by the Ordinance will replace the current piecemeal ratemaking GRIP surcharge system with an expedited rate review process that ensures that cities can review all components of future Company rate change requests. The Settlement Agreement also resolves all outstanding issues between ACSC and Atmos, including six appeals currently pending in Texas courts.

This Settlement Agreement achieves several desirable outcomes, including:

- Reverses rate design decisions that unfairly impact residential ratepayers
- Does away with piecemeal ratemaking problems inherent to the GRIP surcharge process
- Eliminates exposure to potential court reversal of the multi-million dollar Poly-1 Pipe disallowance (Atmos' issue on appeal in Docket No. 9400)
- Avoids uncertainty and potential negative consequences of Railroad Commission rate review
- Implements an expedited rate review process that includes the cities and allows review of all aspects of Atmos' cost of service
- Requires Atmos to reimburse ACSC for more than \$500,000 paid to litigate GRIP surcharge cases
- Protects ACSC members and their citizens from the remote possibility that a litigated outcome or settlement with other parties produces a result more favorable than the ordinance passed by ACSC members by including a Most Favored Nations provision in the Settlement Agreement.

Motion by Mr. Bailey, seconded by Mr. Sauma to adopt Ordinance No. 1253 ratifying the Atmos Energy Mid-Tex Settlement Agreement and Tariffs.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1253 being “**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS (“CITY”) APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “THE COMPANY”) REGARDING THE COMPANY’S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFF THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.”**

G-1759 Adopt amended Storm Water Management Plan and authorize Staff to submit TCEQ permit application

Mr. Allison arrived at the meeting.

Dave Gattis gave the following report: The EPA requires that cities obtain discharge permits for the Municipal Separate Storm Sewer System (MS4). Cities under 100,000 population are covered under the Phase 2 program General Permit. Permit applications were originally due in 2003. The Texas Commission on Environmental Quality issued General Permit in August 2007 with applications due by February 11, 2008.

Permits cover five years with annual reports. Failure to comply could result in \$10,000/day penalty.

The permit requires adoption of:

- Storm Water ordinance with enforcement powers (adopted July 2002)
- Storm Water Management Plan that addresses six minimum measures:
 - Public Involvement and Participation
 - Public Education
 - Illicit Discharge Detection and Elimination
 - Construction Site Runoff
 - Post-Construction Site Runoff
 - Municipal Good Housekeeping
 - Municipal construction activities (optional) which allows cities to take responsibility for erosion protection and permitting for City constructions sites

Public Education and Outreach

- Existing Activities
 - Smartscape

- Storm Drain Markers
- Bookmarks
- Proposed Activities
 - Articles
 - Brochure to residents
 - Web Page
 - No Dumping signs
 - Speaker's bureau
 - Info sheet to contractors
 - Info sheet for commercial/industrial facilities

Public Involvement

- Existing Activities
 - Storm Water Advisory Committee
 - Boy Scout installation of drain markers
 - Trinity Trash Bash
 - Keep Texas Beautiful (Adopt a Street)
- Proposed Activities
 - Annual review by Storm Water Advisory Committee & City Council
 - Volunteer assistance in storm drain monitoring

Illicit Discharge Detection and Elimination

- Existing Activities
 - Storm Drain mapping
 - Household Hazardous Waste
 - Storm Drain markers
- Proposed Activities
 - Complete map and field inspect outfalls
 - Dry weather screening

Construction Site Runoff

- Existing Activities
 - Storm Water Quality Ordinance
 - Construction inspection
- Proposed Activities
 - Develop brochure for builders
 - Cross-train City employees to identify violations

Post Construction Site Runoff

- Existing Activities
 - Adoption of iSWM Manual for site development, requiring detention ponds
 - Parkland dedication
- Proposed Activities
 - Revise and update ordinances

Municipal Good Housekeeping

- Existing Activities
 - Street sweeping
 - Stream inspections and clearing
 - Environmental audit of Maintenance Facility
- Proposed Activities
 - Employee training
 - Leak detection for City vehicles, runoff control
 - Reduce fertilizer and pesticide use
 - Improvements to Maintenance Facility
 - Stream and detention pond maintenance, including floatables

Rather than start from scratch, the staff has simply amended and updated the 2003 Storm Water Management Plan. The Storm Water Management Plan is an unfunded mandate. The current plan is to absorb activities within current budgeted manpower and resources. The plan may require additional resources in the future. Failure to submit the permit application, or to meet the annual goals, could result in a permit violation and administrative penalties of up to \$10,000 per day.

Mr. Sauma went on record to state that it has come to his attention that a rumor is spreading that the Storm Water Fee was put into place because the City froze the Senior and Disabled Taxes in 2003. He stated that the Storm Water Fee had nothing to do with the freeze and wishes the person would stop because it is doing a disservice to the City and to the City Council.

Motion by Mr. Schull, seconded by Mr. Bailey to approve the amended Storm Water Management Plan, authorize the Mayor to sign Notice of Intent, and to authorize payment of \$100 to TCEQ.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1760 Resolution authorizing offer to sell City-owned real property at 913 Timberline Drive

Mr. Gattis gave the following report: The City purchased the property at 913 Timberline Drive in January 2006. The house was a National Flood Insurance Program repetitive loss property. The property also had a retaining wall that encroached illegally into the Dry Branch creek bed. In addition, the City's drainage plan identified the need to enlarge the inlet at the front of the property to adequately drain water from the street. This was one of only two houses that would not be removed from the 100-year floodplain by the Timber Creek Channel project.

The City demolished the house, made the drainage improvements and raised the building pad above the new 100-year floodplain during 2006. FEMA approved the Letter of Map Revision based on Fill (LOMR-F) in June 2007.

In August 2007, City Council authorized the sale of the property. Bids were advertised for opening on October 21, but no bids were received.

Staff recommends attempting the sale of the vacant lot again in coming months. Staff recommends that the minimum bid be reduced from \$20,000 to \$15,000 and that the staff be authorized to expend additional funds to advertise the sale in other publications and directly to selected real estate companies.

Following discussion, motion by Mr. Stowe to not adopt the resolution at this time. When asked if the intent of the motion was to table the item, Mr. Stowe stated it was not and removed his motion.

Motion by Mr. Schull, seconded by Mr. Allison to table the item to give staff time to further investigate options.

Vote on the motion:

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

Noes: None

Motion carries unanimously.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 8:20 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/07/08	REFERENCE NUMBER: PZ-2008-01	SUBJECT: Ordinance vacating and abandoning part of Goliad Street, northwest of the intersection of Goliad Street and Del Rio Ave., and part of San Antonio Street	PAGE: 1 of 3
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BACKGROUND

On September 14, 2006, the Benbrook Economic Development Corporation presented a request to the Planning and Zoning Commission to close Goliad Street west of Del Rio Avenue and to vacate the right-of-way to the adjacent owners. The request by the Benbrook Economic Development Corporation was submitted on behalf of N3 Capital, the owner of the adjacent Lot 1R2, Block 1, Benbrook EDC Addition, southwest of Goliad Street. At the time, N3 Capital also had a contract to acquire the Gene Buckner property, Lots 1, 19, and 20, Block 4, Benbrook Estates adjacent to the northeast side of the portion of Goliad Street requested for vacation.

The Benbrook Economic Development Corporation request was made to enable N3 Capital to combine their property with the Bucker property, and to include the intervening Goliad Street right-of-way to create a larger lot for restaurant development. In addition to the Goliad Street right-of-way that was dedicated to the City (0.2228 acres), the property consolidation plan also included the release of additional right-of-way by the Texas Department of Transportation (0.0841 acres.)

The application included a Traffic Impact Analysis (TIA) that indicated a relatively small number of vehicles using this section of Goliad Street between Del Rio Street and the connection to the eastbound I-20 frontage road. The TIA also indicated that the increased traffic volumes on alternate routes would be relatively low. The Planning and Zoning Commission held a public hearing regarding the street closure prior to making a favorable recommendation to the City Council to vacate the right-of-way.

Among the conditions in the Commission's recommendation to the City Council was the coordination of the City street vacation with the TxDOT vacation process. The TxDOT vacation process commonly takes 12 to 18 months and is complete only when the final release is signed by the Governor. TxDOT would not start the lengthy vacation process without a favorable consideration by the City regarding the street vacation. To expedite the process with TxDOT and avoid the premature and unwise vacation by the City without any determination by the State, the Commission recommended City Council approval of a "resolution of intent" to allow the lengthy TxDOT process to proceed without formally vacating the City segment.

The second condition in the Commission's recommendation was that the City receive compensation from the grantee for the value of the land and City improvements being released, with the value determined by the City Council. It was expected that the City would ask the same value per square foot that the State would require on the TxDOT right-of-way. The Texas Constitution prohibits the gift of land to private interests without receiving fair compensation. The Governmental Accounting Standards Board Ruling 34 requires the City to carry the "net book value" of street right-of-way and street pavement value at current value. State Law (LGC 253.009) allows the transfer of property adjacent to land owned by an Economic Development Corporation to the EDC for "any fair consideration," meaning that it does not have to go through the bidding process and could be less than fair market value.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 02/07/08	REFERENCE NUMBER: PZ-2008-01	SUBJECT: Ordinance vacating and abandoning part of Goliad Street, northwest of the intersection of Goliad Street and Del Rio Ave., and part of San Antonio Street	PAGE: 2 of 3
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The third condition of the Commission's recommendation was that the vacated areas be incorporated into a replat creating a single lot of record so that we did not end up with a fifty-foot wide lot that was unbuildable. Of particular importance in the replat is establishing adequate easements for all of the known and yet to be determined utility facilities in the vacated right-of-way area.

On October 5, 2006, the City Council received the recommendation from the Planning and Zoning Commission, conducted a public hearing, and approved Resolution Number 2006-12, expressing the City Council's intent to vacate part of Goliad Street if the State also vacates part of the I-20 right-of-way. The staff forwarded a copy of Resolution Number 2006-12 to TXDOT in support of the Benbrook EDC application for the vacation of a portion of the I-20 right-of-way.

SUBSEQUENT EVENTS

In February 2007, the Benbrook EDC purchased the Buckner property on the northeast side of Goliad Street. In late 2007, the Benbrook EDC, owner of the property northeast of Goliad Street, and N3 Development, owner of the property southwest of Goliad Street, agreed to each contribute their properties to Benbrook Realty Partners, L.P. to create single ownership of the property on both sides of Goliad Street. The ownership transaction is expected to be recorded in the Tarrant County Deed Records in early February 2008.

The Benbrook EDC has engaged a surveyor to prepare the necessary replat to combine the two properties and the two vacated right-of-way areas, to be owned by Benbrook Realty Partners, L.P. The surveyor expects to submit the replat to the City for initial review in early February.

The Benbrook EDC submitted the required property appraisal to TXDOT in late December 2007 to establish a value of the portion of I-20 right-of-way. The highway right-of-way vacation application is currently in review by TXDOT in Austin, and upon approval will be forwarded to Texas Transportation Commission for consideration and approval. After approval by the Transportation Commission, the application will be forwarded to the Governor for his signature. TXDOT estimates completion of the process with the Governor's signature to occur in late May or early June 2008.

At the December 17, 2007 meeting, the Benbrook EDC Board of Directors voted to present the appraisal and surveys to the City Council and to request immediate closure of Goliad Street.

CURRENT STATUS AND ISSUES

Valuation of the Property: The value of the property consists of two parts, right-of-way and pavement. The value of right-of-way is based on the value of the land, less any encumbrances. The value of the pavement is based on the initial construction cost, less depreciation.

- A. Right-of-Way: The attached appraisal submitted by the BEDC to TXDOT may be used by the City Council in establishing a value per square-foot for the right-of-way to be vacated by the City. For TxDOT, the appraiser determined the value of the land to be \$15.00 per square foot, but then discounted the value by 75% because it was a "small, highly irregular shaped parcel" and that the owner "is not compelled nor is under undue pressure to purchase" the property. Staff does not concur with this rationale, but does recognize that the value may be diminished by various utility easements that remain on the property.

Using the \$15.00/SF value, the value of the right-of-way is approximately \$145,577. Without a replat to know what easements may be required, it is difficult to estimate the reduction in value;

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however, if we assume that one-half of the right-of-way is encumbered by an easement and that area is reduced in value by 75%, then the resulting value would be approximately \$90,985. The City Council will need to determine the fair value of the right-of-way to be vacated.

- B. Pavement: The City has no records regarding the original construction cost of this portion of Goliad Street, which was originally constructed in 1946. The City considers the pavement fully depreciated since it has exceeded its useful life, leaving only salvage value which staff estimates at five percent. Using these assumptions, the staff estimates the current value of the pavement at \$1,162.50.

Status of Replat: The most significant consideration is the absence of a replat, with appropriate utility easements, to accommodate all utilities in the Goliad Street right-of-way to be vacated by the City and the State. The staff does not want to create a situation where the street has been vacated, but the area has not been incorporated into the adjacent property and easements have not been provided for the existing and future utilities. The Staff has no objection to the City Council approval of the ordinance vacating the requested portion of Goliad Street, provided the authorization for the Mayor to execute the quitclaim deed until the replat (with necessary easements) is approved and ready to record in the Tarrant County Plat Records.

Public Notice of Road Closure: Although a public hearing on the proposed road closure was held in 2006, considerable time has elapsed without public notice of the proposed road closure. The staff recommends that a sign notifying the public of the impending road closure be placed for a period of approximately two weeks prior to the erection of the barricades.

RECOMMENDATION

Staff recommends that City Council:

1. determine a value for the land and the City improvements in the right-of-way,
2. approve the Ordinance vacating the requested portion of Goliad Street right-of-way in favor of Benbrook Realty Partners, L.P.,
3. authorize the staff to place a sign notifying the public of the impending closure for a period of two weeks and to erect appropriate barricades on or about February 22nd, and
4. authorize the Mayor to execute the quitclaim deed when a replat has been approved and ready to record in the Tarrant County Plat Records.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/07/08	REFERENCE NUMBER: G-1761	SUBJECT: Appointment to Planning and Zoning Commission and Zoning Board of Adjustment/Board of Appeals	PAGE: 1 of 2
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City Council made appointments to the various Boards and Commission on October 18, 2007. At that time, Dian Price was appointed to Place 7 on the Planning and Zoning Commission for a term to expire October 31, 2009. However, due to time restraints, Ms. Price will be unable to fulfill the term.

City Staff also received notice from Mr. Marvin Rhodes that he will be unable to fulfill his term on the Zoning Board of Adjustment/Appeals Commission. Mr. Rhodes currently serves in the Alternate C position with a term to expire October 31, 2008. As a reminder, there is also a vacancy to Alternate position D on the Zoning Board of Adjustment/Board of Appeals.

Upon notification of Ms. Price's inability to serve the two year term on the Planning and Zoning Commission and prior to receiving notice from Mr. Rhodes of his resignation, staff advertised and requested applications for the Planning and Zoning Commission.

Applications Received

The following applications were received from citizens interesting in serving on the Planning and Zoning Commission:

<u>Citizen</u>	<u>Current Office</u>
1. Kyle R. Carr	
2. David E. Hudgins	
3. Carol B. Stacy	Park and Recreation Board
4. Gerald Musick	
5. Robert Pesce	
6. Mark Washburn	ZBA/Board of Appeals
7. Brandon O'Donald	
8. Abura Gantt (pending from October interviews)	

Application Review and Council Interviews

City Council reviewed the applications at their January 3, 2008 regular City Council meeting and scheduled interview session with each of the candidates.

City Council completed the interviews on January 31, 2008.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 02/07/08	REFERENCE NUMBER: G-1761	SUBJECT: Appointment to Planning and Zoning Commission and Zoning Board of Adjustment/Board of Appeals	PAGE: 2 of 2
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RECOMMENDATION

Staff recommends that City Council:

1. Make the necessary appointments to Place 7 on the Planning and Zoning Commission for a term to expire October 31, 2009; and
2. Make the necessary appointment to fill the unexpired term in Alternate C on the Zoning Board of Adjustments/Board of Appeals with term expiring October 31, 2008; and
3. Make the necessary appointment to fill Alternate D on the Zoning Board of Adjustment/Board of Appeals for a term to expire October 31, 2009.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/07/08	REFERENCE NUMBER: G-1762	SUBJECT: Resolution approving Local Project Advanced Funding Agreement for Benbrook Boulevard	PAGE: 1 of 3
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The City staff has been pursuing the widening of Benbrook Boulevard (US 377) since the last major update of the City's Thoroughfare Plan in 2003. The cost estimate for construction at that time was approximately \$13 million. The City's 20% local match for the project was included in the February 2004 bond election, but it was defeated.

The City also adopted the Benbrook Boulevard Master Plan in March 2007, and the Plan included an updated construction cost estimate of \$17,534,784, including engineering and contingencies. Most of the increased costs were associated with increased utility relocation and the additional landscaping and urban design features recommended in the Master Plan.

Federal and State Funding

The City received \$7,733,575 in federal funding for the widening of Benbrook Boulevard (U.S. 377) from I-20 to Winscott Road in September 2006 as part of the Regional Transportation Council's (RTC) Strategic Partnership Arterial Street program. Because of limited funding available to the RTC, the City did not receive the entire \$13,129,469 that it requested. Because the project is "on-system", the State will automatically provide a 20% match to the federal funding. Therefore, the State has committed \$1,933,394 toward the project, for a total federal/state funding share of \$9,666,969. This funding will not be available until the Year 2010.

County and BWA Funding

The City submitted the project for inclusion in Tarrant County's May 2006 bond program and the County allocated \$1,854,795 toward the Benbrook Boulevard project. To address the concerns of the Benbrook Water Authority, the City committed to paying one-half of the Authority's costs for relocating the BWA water and sewer lines. The staff estimates that the total costs for relocating the water and sewer lines will be \$1,462,500, meaning that BWA will commit approximately \$731,250 toward the project.

Regional Toll Revenue Funding

The State Legislature and TxDOT created a new system of funding for major roadways through private investment as toll roads. Private firms compete by bidding for the projects, including offering upfront payments as well as future excess toll revenues. The first of these projects was a portion of State Highway 121 from Grapevine to McKinney. The bid originally was awarded to Cintra, but TxDOT later allowed the North Texas Tollway Authority to compete and NTTA was ultimately granted the contract.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
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DATE: 02/07/08	REFERENCE NUMBER: G-1762	SUBJECT: Resolution approving Local Project Advanced Funding Agreement for Benbrook Boulevard	PAGE: 2 of 3
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As part of the NTTA bid, the NTTA made an upfront payment of almost \$1.7 billion that will be used to fund other transportation projects in the region. The RTC has divided the money among the various counties based on the number of NTTA tolltag accounts in each County. This results in Tarrant County having \$59.7 million available for projects. A County Task Force determined that the first priority was to cover cost overruns on previously-funded projects to keep them viable. Benbrook staff submitted the Benbrook Boulevard project for funding under this program and was awarded an additional \$3,211,717 toward the project on January 24th of this year.

Additional TxDOT Participation

The City Council may recall that the Council authorized a contract with Teague, Nall and Perkins (TNP) in April 2007 to begin preliminary engineering and environmental work on the project, at a cost of \$250,478.60. In May, the staff met with TxDOT officials who offered to perform all of the engineering in-house because of its innovative character. TxDOT committed to supplying the engineering at no cost to the City, allowing us to apply most of our resources directly towards construction. This offer by the State will save almost \$1.5 million in total engineering costs. Since work by TNP had already started, we supplied the aerial surveying work and traffic counts.

The State has begun their preliminary engineering work and staff has provided additional information to them. We expect to schedule a coordination meeting in the near future to review the preliminary plans. We have also requested a current project schedule. Our plans are to complete the engineering and environmental work by 2010 so that we can begin construction when the federal funds are available.

Summary of Funding Sources

The current status of funding is as follows:

Original Estimated Project Cost	\$17,534,784
Less engineering	<u>\$1,565,479</u>
Subtotal	15,969,305
5% Direct State Costs	<u>\$798,465</u>
Revised Estimated Project Cost	\$16,767,770
Funding Sources (as of January 31, 2008)	
Federal	\$7,733,575
State	1,933,394
Local Match	
County Bonds	\$1,854,795
BWA utility relocation	731,250
Regional Toll Revenue	3,211,717
City remainder	<u>1,303,039</u>
Total Funding	\$16,767,770

The City will continue to seek additional funding sources as they become available. These include additional federal and state funds for landscaping and urban design amenities, as well as reduced costs for utility relocations by the franchised utilities.

DATE: 02/07/08	REFERENCE NUMBER: G-1762	SUBJECT: Resolution approving Local Project Advanced Funding Agreement for Benbrook Boulevard	PAGE: 3 of 3
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LPAFA

To proceed with work on the project, we will need to execute a Local Project Advance Funding Agreement (LPAFA). The staff has been negotiating the terms of the Agreement since last Fall, but the negotiations have been delayed partially by the distribution of Regional Toll Revenue by the RTC in late January. Because of the unique nature of the project, the form of the LPAFA is different from those we have executed in the past. A copy of the draft LPAFA is attached. The LPAFA commits local funding of \$6,617,453, including the County, BWA and Regional Toll revenue sources. The City also commits to funding 39% of any cost overruns. As currently negotiated, these funds will not be required until the project goes through the bidding process in 2010.

RECOMMENDATION

Staff recommends that City Council adopt the attached resolution authorizing the City Manager to execute the Local Project Advance Funding Agreement for the Benbrook Boulevard widening project.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/07/08	REFERENCE NUMBER: G-1763	SUBJECT: Appointments to NAS Fort Worth JRB Regional Coordinating Committee	PAGE: 1 of 1
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BACKGROUND

One of the primary recommendations of the Joint Land Use Study (JLUS) is the establishment of a Naval Air Station Joint Reserve Base Regional Coordination Committee (RCC). The purpose of the RCC is to develop, implement and monitor policies, programs and projects which improve opportunities to expand operations at NAS JRB in the next Base Realignment and Closure (BRAC) process and to protect the facility from the adverse effects of urban encroachment.

NOMINATIONS REQUESTED

The North Central Texas Council of Governments (NCTCOG) is organizing the RCC and requests nominations for two voting members from each participating city and county. Nomination letters are due to NCTCOG by close of business on February 15th. Nominees may include, but not be limited to elected officials, appointed board members, or citizen representatives.

Several City Council Members have indicated their interest in nominating Council Member Ron Sauma and Deputy City Manager Dave Gattis to serve as Benbrook’s representatives on the RCC.

RECOMMENDATION

Staff recommends that City Council appoint Mr. Sauma and Mr. Gattis to serve on the Naval Air Station Joint Reserve Base Regional Coordination Committee.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/07/08	REFERENCE NUMBER: G-1764	SUBJECT: Approve Marketing Coordinator position and annual budget	PAGE: 1 of 2
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BACKGROUND

At the City Council Worksession on September 12, 2007, City Council instructed staff to reevaluate the Tourism Director position for future City Council review. The evaluation included salary structure, budgetary appropriation, chain of command, and assigned projects/tasks.

PROPOSED POSITION

Attached is a job description for the position. Please note that Staff recommends a title change to "Marketing Coordinator". This title better represents the functional elements of the position.

The proposed position includes tasks currently assigned, plus the following:

- Expand and enhance video programming for the City's website and local government access channel.
- Enhance current community events.
- Investigate/implement additional special events to promote Benbrook.
- Manage and implement the Benbrook Lake Development Plan.
- Partner with the Benbrook Youth Baseball and Softball Association to host regional and national tournaments.
- Create a webpage dedicated to attractions and points of interest in Benbrook.
- Partner with the Benbrook Community Center/YMCA to expand triathlon events.
- Expand marketing of equestrian opportunities around Benbrook Lake.
- Act as a liaison with local businesses (particularly Weatherford International), ensuring that local hotels get their share of training travel.
- Create and improve printed materials about Benbrook, including Benbrook hotel options.

Because the proposed position is a member of City Staff, increased accountability and oversight will facilitate goal attainment.

BUDGETARY CONSIDERATIONS

The City currently receives approximately \$150,000 in annual Hotel/Motel Tax revenues. This amount should increase to nearly \$200,000 annually with the addition of Comfort Inn and Suites (under construction). Benbrook currently has \$325,000 in Hotel/Motel tax reserves.

The proposed position includes salary (\$47,935) and related benefits for a total personnel cost of \$70,280. Supplies and contractual services total \$16,280. These costs include Chamber office

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CITY MANAGER		DATE:

DATE: 02/07/08	REFERENCE NUMBER: G-1764	SUBJECT: Approve Marketing Coordinator position and annual budget	PAGE: 2 of 2
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use/overhead costs, video production services for Benbrook Spotlight, and the costs of advertising. The total proposed annual budget is \$86,560.

RECOMMENDATION

Staff recommends that City Council approve the Marketing Coordinator position with related budget.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/07/08	REFERENCE NUMBER: C-233	SUBJECT: Approve Contract with Standard Insurance Company for Employee Life Insurance	PAGE: 1 of 2
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BACKGROUND

Since December 1991, Standard Insurance Company has provided life insurance to City employees and their dependents. The original policy provided a death benefit of \$25,000 for an employee, \$5,000 for a spouse, and \$2,500 for a child.

In January 2002, the life insurance plan was amended to provide a death benefit of \$50,000 for an employee, \$10,000 for a spouse, and \$5,000 for a child. Standard Insurance Company amended the benefits without adjusting the rates.

Both plans provided an accidental death and dismemberment (AD&D) policy along with the death benefit; this policy applies only to the employee. In the original policy, the death benefit increased to \$50,000 if the employee died in an accident and to \$75,000 if the employee died in a vehicle accident and was wearing a seatbelt. In the amended policy, these amounts increased to \$100,000 and \$150,000.

Employees are provided with the opportunity to enroll in Standard's supplemental life plan; premiums are paid through payroll deduction. Additional coverage is available for an amount equal to the employee's annual salary. Premiums are based on the employee's age. The City does not contribute toward the supplemental coverage.

During the review of the 2007-08 Budget by City Council, Council members asked City Staff to request Standard to provide rates to increase the employee death benefit to \$100,000 and to \$150,000. Council also requested Staff, through the City's Agent of Record, to obtain proposals from other life insurance providers.

LIFE INSURANCE RENEWAL RATES

In December 2007, Standard notified the City that monthly life insurance premiums would not increase for employees and dependents. These rates reflected no change in benefits from the current plan.

INCREASED DEATH BENEFITS FOR EMPLOYEES

Standard provided a proposal to increase the death benefit to \$150,000. This proposal does not include adjustments for dependent benefits. Standard's proposal also limits the death benefit for retirees to \$50,000. Standard requires that the City terminate its supplemental life program.

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CITY MANAGER		DATE:

DATE: 02/07/08	REFERENCE NUMBER: C-233	SUBJECT: Approve Contract with Standard Insurance Company for Employee Life Insurance	PAGE: 2 of 2
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Standard's proposal to increase the death benefit to \$150,000 includes the monthly rate on \$0.21 per \$1,000 for life and \$0.03 for AD&D; the total monthly rate per employee would increase from \$16.50 to \$24.00. Based on 109 full-time employees, the City's monthly premium will increase from \$21,582 to \$31,392. The annual increase is \$9,810; however, the increase for 2007-08 is only \$5,723 based upon a March 1, 2008 effective date.

The AD&D benefit increases to \$300,000 for accidental death and to \$350,000 if the accident victim is wearing a seat belt at the time of death.

Two employees and one retiree are currently enrolled in Standard's supplemental life plan. Standard will allow these employees and retiree to convert their plans.

OTHER PROPOSALS

The City's Agent of Record, Aon Consulting, requested rates from other insurance carriers for the current benefits as well as the proposed increases in benefits. No carriers were able to provide a proposal that provided rates that were competitive with Standard's current rates

STAFF RECOMMENDATION

Staff recommends amending the life insurance plan with Standard at an estimated annual cost to the City of \$31,392 for premiums for the one-hundred-nine employees included in the 2007-08 Budget. These costs are based on an employee premium of \$24.00 per month per employee.

FUNDING

The 2007-08 Budget includes \$22,661 for life insurance premiums for one hundred-nine employees; this allocation was based on a 15.00 percent increase in rates.

Based upon a March 1, 2008 effective date, the City's annual cost for premiums for one-hundred-nine employees is approximately \$27,305; this amount is \$4,644 over the 2007-08 Budget allocation. However, the City will realize significant savings in annual employee premium costs for group health and dental insurance, so funds are available in the 2007-08 Budget.

RECOMMENDATION

Staff recommends that City Council approve a contract with Standard for provision of the City's life insurance as noted above to be effective March 1, 2008.