

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, MARCH 20, 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 – Pastor Lonnie Huett with Restoration Family Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held February 21, 2008

IV. PROCLAMATION, AWARD, RECOGNITION

1. Proclamation – American Red Cross Month

V. INFORMATIONAL PRESENTATION

1. Gateway Land Services Seismic Testing

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

- PZ-2008-02 Adopt update of Section 17 – Capital Improvements of the Comprehensive Plan (Public Hearing)

VII. REPORTS OF CITY MANAGER

A. GENERAL

- G-1768 Financial Report for month of February 2008
- G-1769 Comprehensive Annual Financial Report for Fiscal Year 2006-2007
- G-1770 Adopt Ordinance amending Chapter 15.28 of the Benbrook Municipal Code by revising the restrictions on moving buildings within the City
- G-1771 Adopt revised Administrative Regulation CD-4 regarding maintenance of detention ponds

VIII. OTHER MATTERS OF BUSINESS

IX. 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.

X. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 21, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, February 21, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
James Mills, Police Chief
Cathy Morris, Administrative Analyst

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher, Planner
Walter Shumac, Public Service Director
Mark Hill
Jonathan Dixon

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Walter Shumac, Public Service Director
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held February 7, 2008

Motion by Mr. Tully, seconded by Mr. Allison to approve the minutes of the regular meeting held February 7, 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PROCLAMATION/AWARDS/RECOGNITION

1. Proclamation – March for Meals Awareness Month in Tarrant County

Mayor Dittrich presented a Proclamation to Mr. Mark Hill, Board Director with Tarrant County Meals-on-Wheels, declaring March as Awareness Month.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORT OF CITY MANAGER

A. GENERAL

G-1765 Financial report for month of January 2008

Andy Wayman gave the following report: General Fund revenues for the month of January totaled \$4,336,628. Almost this entire amount came from taxes with the largest portion coming from Property Taxes. General Fund expenditures totaled \$1,051,469. Year-to-date expenditures amounted to \$4,055,527. Through January, revenues exceed expenditures by \$3,184,467.

EDC revenues were \$54,560 while expenditures were \$171,929. For the year, EDC expenditures exceed revenues by \$513,271.

Investments were \$13,993,068 at January 31, 2008.

Motion by Mr. Stowe, seconded by Mr. Sauma to approve the January 2008 financial report as presented.

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-1766 Ordinance amending Chapter 10 of the Benbrook Municipal Code by prohibiting the use of hand-held mobile telephones in active school zones

James Mills gave the following report: The establishment of school zones recognizes the public safety considerations inherent with student drop-off and pick-up. In recent years, the increased use of hand-held mobile telephones has created an additional hazard to school-aged children traveling to and from school.

The proposed ordinance prohibits the use of hand-held mobile telephones while operating a motor vehicle in a school zone during the hours when the school zone is in effect. Exemptions to the ordinance include:

1. The use of a mobile telephone for the sole purpose of communicating with a hospital, physician's office, health clinic, or a public safety department regarding an emergency situation.
2. Any law enforcement officer, emergency services official, first aid, emergency medical technicians and personnel, or any fire safety official in the performance of duties arising out of an emergency in the course of his or her employment as such.
3. The use of a hands-free mobile telephone when being used in a hands-free manner.

The Police Department polled all school crossing guards and each strongly supports the proposed ordinance. As an aside, one of the school crossing guards is a retired police officer.

If approved by City Council, City crews will install signs prohibiting hand-held mobile telephone use in all posted school zones at an estimated cost of \$5,000 to be funded from General Fund Reserves.

Highland Park, University Park and Flower Mound have all enacted similar ordinances.

Motion by Mr. Sauma, seconded by Mr. Schull to adopt Ordinance No. 1254 prohibiting the use of hand-held mobile telephones in active school zones and provide \$5,000 in funding from General Fund Reserves.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1254 being **“AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 10 OF THE BENBROOK MUNICIPAL CODE BY ADDING SECTION 10.56, “USE OF HAND-HELD MOBILE TELEPHONES PROHIBITED IN ACTIVE SCHOOL ZONES”; SETTING FORTH DEFINITION; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”**

Section 2
Penalty Clause

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Benbrook, may be fined in the amount not to exceed the sum of two hundred dollars (\$200.00) for each offense.

Section 9
Effective Date

This ordinance shall be in full force and effect from and after passage and publication as provided by law, and it is so ordained.

G-1767 Authorize expenditure of Charter Community Grant for Heritage Fest Event

Cathy Morris gave the following report: In October 2007, Benbrook celebrated its 60th year as an incorporated City and 150th year as a settled community with the first Heritage Fest “Cowboy Roundup” event.

On May 3, 2007, City Council approved the use of the first two of four scheduled annual Charter Communications Community grants, in the amount of \$18,706, to help fund the event.

Heritage Fest visitors enjoyed a free day-long event celebrating Benbrook history with western-themed games, historical re-enactors, an 1860’s vintage baseball game, an antique tractor display, chuck wagon cooking demonstrations, a Kiddy Korral, and an evening concert with a fireworks finale. In addition, Benbrook non-profit organizations were provided free booth space for fund-raising activities.

The success of Heritage Fest allows City Council to explore an annual signature event in Benbrook.

Charter Communications approves the use of these funds for Heritage Fest and asks two things of the City in relation to the grant:

1. That City Council Identify the Event it intends to fund with these grant monies; and
2. That Charter is recognized, through event marketing materials, as the donor of these charitable funds.

Motion by Mr. Stowe, seconded by Mr. Schull to approve a Heritage Fest event for October 2008 and allocate the June 2008 Charter Communications Community Grant, in the amount of \$9,353 for costs associated with the event.

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 8:46 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/06/08 03/20/08	REFERENCE NUMBER: PZ-2008-02	SUBJECT: Adopt update of Section 17 – Capital Improvements of the Comprehensive Plan	PAGE: 1 of 1
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The Capital Improvements Plan is a forecast and schedule of public physical improvements for the next five years and beyond. The City Charter requires that the Capital Improvements Plan be updated every year. The CIP was last updated in February 2007.

The changes included in this year’s plan include:

- Updated population projections
- Updated status of ongoing CIP projects (Table 17.2)
- Updated bonding capacity analysis (Table 17.3)
- Inclusion of information on the new storm water utility fund
- Updated cost estimates for unfunded community facilities (Table 17.7)
- Updated evaluation of street condition and revised street priorities (Table 17.10)
- Updated cost estimates for drainage projects (Table 17.12)
- Updated project costs

The revised bonding capacity projection indicates the ability to sell approximately \$3 to \$4 million in bonds over the next five years without exceeding the debt service target of ten percent. As an alternative, the City could place the difference between the debt service target and actual debt service spending into the core values fund.

The only two projects included in the CIP are the two remaining drainage projects from the 2004 bond election: Plantation West Creek (under construction) and Plantation East Creek (scheduled to bid this spring.)

The Planning and Zoning Commission held a public hearing at their January meeting, and recommended approval of the revised Chapter 17 – Capital Improvements at their February meeting. The only major change was the suggestion of adding text boxes to indicate where changes were made from the previous year.

RECOMMENDATION

Following a public hearing, it is recommended that the City Council adopt the revised Section 17-Capital Improvements as part of the Comprehensive Plan.

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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/20/08	REFERENCE NUMBER: G-1768	SUBJECT: Financial Report for month of February 2008	PAGE: 1 of 1
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Presented for City Council's information and consideration is the monthly financial report for February 2008.

GENERAL FUND REVENUES (chart)

Revenues for the month of February totaled \$1,594,153 with almost all this amount coming from property taxes (\$1,111,346), franchise taxes (\$167,454) and sales & other taxes (\$172,606). Revenue received through the end of February total \$8,834,147 or \$856,466 over the prior year. Through February, the City has received nearly 70% of the budgeted revenues.

City Council might notice the negative numbers in the Other Revenue category (\$25,422 current month to date and \$12,049 year to date). These numbers are the result of grant expenses that must be paid and then reimbursed by various programs.

GENERAL FUND EXPENDITURES (chart)

February expenditures totaled \$898,095. Total expenditures through the end of February were \$4,953,622 or almost 40% of the budget. At February 29, revenues exceeded expenditures by \$3,880,525.

EDC REPORT

EDC revenues were \$85,384 while expenditures were \$98,721, with most of this going for legal services, engineering and interest on debt.

INVESTMENTS

Investments were \$14,809,152 at February 29, 2007. This entire amount is available immediately if needed.

RECOMMENDATION

It is recommended that City Council accept the monthly financial report for the month of February, 2008.

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: 03/20/08	REFERENCE NUMBER: G-1769	SUBJECT: Comprehensive Annual Financial Report for Fiscal Year 2006-2007	PAGE: 1 of 2
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Attached for City Council's information and consideration is the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2007. The Finance Department prepared the report which has been review and approved by Weaver and Tidwell, L.L.P., the City's independent auditor. The Auditor's Opinion is included on pages 1 – 2 of the CAFR.

As presented in previous years, the Finance Director has prepared the CAFR, which includes the audit as well as other related and more detailed information. Staff anticipates the current CAFR will meet all requirements for the City to receive a Certificate of Achievement for Excellence in Financial Reporting for the twenty-fourth consecutive year.

FINANCIAL HIGHLIGHTS

- Although the 2006-07 Budget projected no surplus, the City ended the year with a surplus of \$812,118. This pushed total General Fund reserves to \$6,367,531 or 56.66% of total expenditures.
- Since revenues came in at only \$22,150 over the original budget, most of the surplus was due to department heads returning \$789,968 (6.57%) from their budgets.
- The assets of the City exceed its liabilities by \$47,286,975 at the close of business on September 30, 2007.
- The City's total capital assets increased by \$418,347 to \$53,620,341. Most of this increase was due to drainage improvement projects.
- As of September 30, 2007, the City's governmental funds reported combined ending balances of \$11,110,789. Over 67% of this amount is unreserved and available for use with the City's designation and policies.
- At the end of the year, long-term debt continued to decrease.

REPORT CONTENTS

This is the City's fourth report that conforms to GASB 34 reporting requirements. It is also the fourth time the report has been prepared for electronic distribution. The Introductory Section of the report will look the same as previous years.

Financial Section

The Financial Section contains the Auditor's Opinion on pages 1 -2, the Management's Discussion and Analysis (MD&A) on pages 3 – 7, the Basic Financial Statements on pages 8 – 25, the Required Supplementary Information on pages 26 – 28, and the Combining and Individual Fund Statements on pages 29 – 37. The MD&A is basically a summary of the entire report.

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

DATE: 03/20/08	REFERENCE NUMBER: G-1769	SUBJECT: Comprehensive Annual Financial Report for Fiscal Year 2006-2007	PAGE: 2 of 2
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Statements of Net Assets

GASB 34 was enacted to provide a more comprehensive evaluation of a municipality's long-term financial position. Prior to GASB 34 cities looked at deposits and investments. After GASB 34, cities look at capital assets (buildings, roads, bridges, drainage improvements, etc.) and depreciate these assets. The City's total capital assets are \$97,515,660 with \$43,895,319 fully depreciated. In theory, the greater the depreciation number the more critical it is for the government to invest in the replacement of these capital assets.

Statement of Activities

This statement (page 9) presents the cost for each operational area less any revenue produced by that area. As you may note, no area of the City's operation pays for itself. The \$2,194,428 under Capital Grants and Contributions represents the estimated value of the streets, sidewalks and drainage system donated by various developers.

Statistical Section

This was the second year for the new Statistical Section (pages 38 – 55) requirements. This section contains information on financial trends, revenue capacity, debt capacity, demographic and economic indicators, and other operating information.

NEW REQUIREMENTS

The City will continue to implement new requirement in the coming years. Next year, the City must do a study of Other Post Retirement Benefits (OPEB) and develop a cost for these benefits.

RECOMMENDATIONS

It is recommended that City Council accept the CAFR for the fiscal year ended September 30, 2007.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/06/08 03/20/08	REFERENCE NUMBER: G-1770	SUBJECT: Adopt Ordinance amending Chapter 15.28 of the Benbrook Municipal Code by revising the restrictions on moving buildings within the City	PAGE: 1 of 1
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In 1962, the City adopted an ordinance (Chapter 15.28 of the Municipal Code) restricting the movement of previously-constructed buildings into residential areas within the City. The intent was to prevent house movers from moving substandard buildings from outside of the City into the City.

During a recent Planning & Zoning Commission hearing, it was noted that the ordinance, as written, could prevent the movement of an existing building within the City to another location on the same property, if the zoning designation was different on different parts of the tract. Staff believes this interpretation was not the intent of the original ordinance. The ordinance could also be interpreted to prohibit the transfer of modular housing into the City, which is contrary to State law. Finally, the original ordinance contains outdated language, such as reference to a "Building Commissioner."

The Staff and City Attorney propose revised language for Chapter 15.28 that simplifies and clarifies the original intent of the ordinance, while also complying with current State standards. The revised ordinance maintains the prohibition of bringing in substandard buildings, but contains four exemptions:

1. It does not apply to the movement of a building from one part of a tract to another part of the same tract,
2. It exempts construction trailers,
3. It exempts manufactured and modular homes (as required by State law), and
4. It exempts prefabricated accessory storage buildings under 400 square feet provided that they otherwise comply with the City's building codes.

The City's primary concern about the movement of buildings into the City is that it is difficult to determine whether a building complies with the current building code (and more than likely it doesn't).

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance 1255 revising Chapter 15.28 regarding moving buildings.

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: 03/20/08	REFERENCE NUMBER: G-1771	SUBJECT: Adopt revised Administrative Regulation CD-4 regarding maintenance of detention ponds	PAGE: 1 of 2
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Administrative Regulation CD-4 was adopted in March 1988 and establishes the maintenance responsibilities for various drainage areas. In summary, the policy states that

1. City-owned Property: The City is responsible for maintaining drainage areas on City property.
2. Drainage Easements on Private Property: The City will remove blockages to maintain flow, but private property owner is responsible for mowing and vegetation control.
3. Drainage channels on private property without drainage easements: Private property owners are responsible for all maintenance, and City will assist only for major obstructions after receiving permission all affected owners.

The City began requiring the installation of storm water detention ponds about five years ago and to date we have approximately four detention ponds in the City. We expect more detention ponds to be built under the new integrated Storm Water Management (iSWM) design requirements adopted to meet the TCEQ storm water regulations.

To date, we have required that the homeowner's association take responsibility for the necessary maintenance and to maintain a fund for that purpose. In most cases, the residential homeowners association is not well-equipped to maintain drainage facilities and they have objected to the cost and liability of such structures.

In October 2007, the City created a storm water utility which collects fees from developed properties on the basis of the amount of storm water generated by each property. Although not created with the intent of maintaining drainage facilities (rather for paying debt service and building new facilities), the storm water fee may be a more appropriate method of maintaining these city-required detention ponds. This would also address the perceived injustice of certain properties paying both the storm water utility fee and the local homeowners' association dues to pay for maintaining drainage facilities.

The staff originally considered whether to treat residential detention ponds differently than commercial detention ponds, but concluded that it was most equitable to include both under the Maintenance Policy.

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

DATE: 03/20/08	REFERENCE NUMBER: G-1771	SUBJECT: Adopt revised Administrative Regulation CD-4 regarding maintenance of detention ponds	PAGE: 2 of 2
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PROPOSED POLICY

The proposed amendment to the Administrative Regulation CD-4 adds a new paragraph that provides that the City will provide normal and ordinary maintenance to detention ponds. Any additional landscaping or other maintenance activity will be borne by the applicable land owner or neighborhood association.

RECOMMENDATION

It is recommended that the City Council adopt the revised Administrative Regulation CD-4 – Maintenance Policy for Drainage Areas, by adding maintenance responsibilities for detention ponds.