

**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 17, 2008  
911 WINSOTT 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 Gary Oliver with Tabernacle of Praise  
PLEDGE OF ALLEGIANCE**

**III. MINUTES**

1. Minutes of the regular meeting held April 3, 2008

**IV. PROCLAMATION, AWARDS, RECOGNITION**

1. Proclamation – Relay for Life

**V. PRESENTATION BY PLANNING AND ZONING COMMISSION**

- PZ-2008-03 Amendments to the City of Benbrook Zoning Ordinance Number 808, as amended (Public Hearing)
- PZ-2008-04 Amendments to the City of Benbrook Subdivision Ordinance Number 1122, as amended – Title 16- Subdivisions (Public Hearing)

**VI. REPORTS OF CITY MANAGER**

**A. GENERAL**

- G-1772 Financial Report for month of March 2008
- G-1773 Hotel/Motel Tax Report for period ending March 31, 2008
- G-1774 Approve the granting of license agreement to Texas Midstream Gas Services (Chesapeake Energy) under Whitestone Golf Course to transmit natural gas (Public Hearing)
- G-1775 Ordinance Adopting the 2006 International Building Code Series and fee amendments

**B. CONTRACT**

- C-234 Interlocal Agreement with North Central Texas Council of Governments and Gabriel Roeder Smith & Company for Actuarial Shared Services
- C-235 Award Contract for traffic signal installation at Winscott Road and Old Benbrook/Beckman Drive
- C-236 Consider Amendment to Engineering Contract with Teague Nall and Perkins, Inc. for Design of Plantation East Creek Drainage Project

**VII. OTHER MATTERS OF BUSINESS**

**VIII. 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.

**IX. ADJOURNMENT**



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

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

Jerry Dittrich  
Dan Tully  
Larry Stowe  
Keith Bailey  
Ron Sauma

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Tommy Davis, Fire Chief  
Cathy Morris, Administrative Analyst

Others Present:

Dorcas Neuman, Benbrook News  
Ed Gallagher, Planner  
Bill Smith  
Mark Washburn

**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 March 20, 2008**

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

#### IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

##### 1. Ordinance Canceling May 10, 2008 General Election

Joanna King gave the following report: The deadlines for placement on the ballot and declaration of write-in candidacy for the ordered May 10, 2008 general election have passed. As allowed by the Texas Election Code the City Secretary has certified that there are no opposed candidates or propositions to appear on the ballot.

In these circumstances Title 1, Chapter C, Subchapter C, Section 2.053 of the Texas Election Code authorizes a governing body of a political subdivision, by order, to declare each unopposed candidate elected to office and cancel the election.

The unopposed candidates are:

Member of the City Council, Place 2	James D. Schull
Member of the City Council, Place 4	Rickie Allison
Member of the City Council, Place 6	Mark Washburn

Motion by Mr. Tully, seconded by Mr. Bailey to accept the Certification of Unopposed Candidates, and to adopt the ordinance canceling the general election declaring each unopposed candidate elected to office.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1256 being **“AN ORDINANCE CANCELING THE MAY 10, 2008 REGULAR ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND, PROVIDING AN EFFECTIVE DATE.”**

#### SECTION 1

The following candidates, who are unopposed in the May 10, 2008 general election, are hereby declared elected to office, to each serve a full two-year term and shall be issued a certificate of election:

Member of the Council, Place 2  
Member of the Council, Place 4  
Member of the Council, Place 6

James D. Schull  
Rickie Allison  
Mark Washburn

## SECTION 10

This Ordinance shall be in full force and effect after its passage, and it is so ordained. Passed and approved on this 3<sup>rd</sup> day of April 2008.

### **V. INFORMATIONAL PRESENTATION**

#### **1. Tommy Davis, Fire Chief – Compressed Air Foam System**

Tommy Davis, Fire Chief gave an informational presentation the Compressed Air Foam System recently purchased for use by the Fire Department.

### **VI. PRESENTATION BY PLANNING AND ZONING COMMISSION**

### **VII. REPORT OF CITY MANAGER**

### **VIII. OTHER MATTERS OF BUSINESS**

### **IX. INFORMAL CITIZEN COMMENTS**

### **X. ADJOURNMENT**

Meeting adjourned at 7:50 P.M.

**APPROVED:**

\_\_\_\_\_  
**Jerry B. Dittrich, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Joanna King, City Secretary**



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/17/08	REFERENCE NUMBER: PZ-2008-03	SUBJECT: Amendments to the City of Benbrook Zoning Ordinance Number 808, as amended	PAGE: 1 of 3
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**Z – 08 – 02 REPORT TO  
PLANNING AND ZONING COMMISSION  
MARCH 13, 2008**

Each year or so, the staff reviews the zoning ordinance for any necessary changes that might be required or considered. This year, the staff is proposing the following changes to the zoning regulations:

1. Addition of definitions of “Approach/Departure Clearance Surface Slope”, “Conical Surface”, “Overlay District”, and “Transitional Surface”; the creation of a new “NAS Overlay District”; and the addition of height restrictions that may affect operations at the NAS Fort Worth JRB. These provisions are being proposed to conform with the recommendations of the Joint Land Use Study which tries to prevent incompatible development encroachment surrounding the Naval Air Station. It is the staff’s intent to bring a zoning change to include the appropriate property in the NAS Overlay Zone at a future meeting.
  
2. Minor revision of the definition of “Building Area” to “Buildable Area”; clarification of definitions of “Efficiency Apartment”, “Flag”, “Floodplain”, “Sign Area”; revision to the applicability of yard regulations in the G-Commerce District; minor revisions to permitted and conditional uses in the MU-Mixed Use District regarding drive-through businesses and artists studios; clarification of auxiliary parking requirements
  
3. Revision to the applicability of architectural standards for secondary buildings less than 1,200 square feet of floor area.

The Commission may also want to reconsider the restrictions on automotive body work in certain commercial districts. The Ordinance allows service stations and auto repair in the “E”, “F”, “G”, “HC”, and “H” Districts, but prohibits fender or body repairs and major mechanical work (rear end, transmission, and engine overhaul) in the “E” District, prohibits painting or body and fender repairs in the “F”, “G”, and “HC” Districts. The original intent was to protect adjacent districts from the noise associated with body repairs, but the staff is not sure that all body work generates noise that significantly exceeds the pneumatic wrenches that are found at all auto repair sites.

**RECOMMENDATION**

It is recommended that, following a public hearing, the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Zoning Ordinance.

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

DATE: 04/17/08	REFERENCE NUMBER: PZ-2008-03	SUBJECT: Amendments to the City of Benbrook Zoning Ordinance Number 808, as amended	PAGE: 2 of 3
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**UNAPPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
MARCH 13, 2008**

The Chair introduced the item and asked for a report from Staff.

Dave Gattis, Deputy City Manager, said the staff reviews the zoning ordinance annually for any necessary changes to treat new issues or trends, or to address problems that have come up during the year.

Mr. Gattis said Benbrook has been participating with five other cities on the Joint Land Use Study surrounding the Naval Air Station Fort Worth Joint Reserve Base. The first amendment includes the addition of definitions of "Approach/Departure Clearance Surface Slope", "Conical Surface", "Overlay District", and "Transitional Surface"; the creation of a new "NAS (Naval Air Station) Overlay District"; and the addition of height restrictions that may affect operations at the NAS Fort Worth JRB. These provisions are being proposed to conform with the recommendations of the Joint Land Use Study which tries to prevent incompatible development encroachment surrounding the Naval Air Station. Mr. Gattis said it is the staff's intent to bring a zoning change to include the appropriate property in the NAS Overlay Zone at a future meeting. Ground lighting could also become a consideration following further studies.

Mr. Gattis said other amendments include minor revisions of the definitions of "Building Area" to "Buildable Area"; clarification of definitions of "Efficiency Apartment", "Flag", "Floodplain", "Sign Area"; revision to the applicability of yard regulations in the G-Commerce District; minor revisions to permitted and conditional uses in the MU-Mixed Use District regarding drive-through businesses to be considered on a case by case bases and artists studios. He said the problem with artist studios is they may be next door to a residential loft and some artists use paints, solvents, welders, etc. so the City should maintain some control over their locations. Also included in the staff's recommendation is the clarification of auxiliary parking requirements.

Mr. Gattis said another of Staff's recommendations is a revision to the applicability of architectural standards and a threshold for applicability of materials standards for secondary buildings. He said the ordinance requires architectural standards for buildings over 5,000 square feet but the building materials restrictions would apply to any size commercial or industrial building. Mr. Gattis said Staff is proposing a minimum of 1,200 square feet for the building materials restrictions.

Mr. Gattis said the Commission may also want to reconsider the restrictions on automotive body work in certain commercial districts. The Ordinance allows service stations and auto repair in the "E", "F", "G", "HC", and "H" Districts, but prohibits fender or body repairs and major mechanical work (rear end, transmission, and engine overhaul) in the "E" District, and prohibits painting or body and fender repairs in the "F", "G", and "HC" Districts. The original intent was to protect adjacent districts from the noise associated with body repairs, but the staff is not sure that all body work generates noise that significantly exceeds the pneumatic wrenches that are found at all auto repair sites.

Staff recommends that, following a public hearing, the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Zoning Ordinance.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:50 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:51 p.m. and asked for any comments, questions, or a motion from the Commission.

DATE: 04/17/08	REFERENCE NUMBER: PZ-2008-03	SUBJECT: Amendments to the City of Benbrook Zoning Ordinance Number 808, as amended	PAGE: 3 of 3
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Mr. Shah said he is concerned that the ordinance does not address sub-surface irrigation, especially in commercial zoning. He said there is a state law that allows homeowners to use all waste water, not including toilet water, to irrigate their yards and Benbrook does not encourage that. Mr. Gattis said the ordinance does not prohibit the use of gray water for irrigation (but the Plumbing Code does.)

Motion by Mr. Wilson to recommend the Planning and Zoning Commission recommend the City Council adopt the amendments, including items discussed in the work session. Second by Mr. Weaver. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Pesce, Mr. Weaver, Mr. Wilson, Mr. Dawson, Dr. Marshall, Mr. Ramsey, Mr. Shah, and Mr. Hughes

Noes: None

Abstain: None

Motion carried 8 – 0



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/17/08	REFERENCE NUMBER: PZ-2008-04	SUBJECT: Amendments to the City of Benbrook Subdivision Ordinance Number 1122, as amended – Title 16-Subdivisions	PAGE: 1 of 3
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**G – 08 – 01 REPORT TO  
PLANNING AND ZONING COMMISSION  
MARCH 13, 2008**

Each year, the staff reviews the Subdivision Ordinance for any necessary changes. This year, the staff is proposing the following amendments to the Subdivision Ordinance:

1. Minor clarification of the definitions of “Floodplain”, “iSWM™” (and inclusion of trademark of iSWM™ symbol throughout the ordinance) and clarification of definition of floodplain in numerous locations,
2. Allowance of additional plat submittal sizes for sketch plats, preliminary plats and final plats,
3. Updated statutory references for financial surety documents,
4. Additional language (Section 16.24.046) regarding the ownership and maintenance responsibilities for private and common areas, and revision of the common area maintenance fund requirements for detention ponds (Section 16.28.025.D.12.h(3)), and
5. Revisions to the mitigation requirements for trees (Section 16.28.010), including exempting mitigation for certain tree species.

**Recommendation**

Staff recommends that, after a public hearing, that the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Subdivision Ordinance.

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**UNAPPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
MARCH 13, 2008**

The Chair introduced the item and asked for a report from Staff.

Dave Gattis said that the staff reviews the Subdivision Ordinance annually for any necessary changes. This year, the staff is proposing the minor clarification of the definitions of “Floodplain”, “iSWM™” (Integrated Stormwater Management and inclusion of the trademark of iSWM™ symbol throughout the ordinance) and the clarification of the definition of floodplain in numerous locations.

Staff also wanted to allow for additional plat submittal sizes for sketch plats, preliminary plats and final plats, since Tarrant County accepts the new size of 22” by 34” for recording. Mr. Gattis said Staff is proposing updated statutory references for financial surety documents.

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

DATE: 04/17/08	REFERENCE NUMBER: PZ-2008-04	SUBJECT: Amendments to the City of Benbrook Subdivision Ordinance Number 1122, as amended – Title 16-Subdivisions	PAGE: 2 of 3
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Also proposed is additional language (Section 16.24.046) regarding the ownership and maintenance responsibilities for private and common areas, and revision of the common area maintenance fund requirements for detention ponds (Section 16.28.025.D.12.h (3)). Mr. Gattis said more detention ponds are being created with the iSWM™ requirements and the burden of maintenance has been put on the homeowner associations and are finding that the City is in a better position to assure the ponds are working correctly.

Mr. Gattis said revisions to the mitigation requirements for trees (Section 16.28.010), including exempting mitigation for certain tree species are also included. Staff has surveyed 47 other cities around the state and found the Benbrook requirements are not far out of line. Staff proposes a requirement for conservation easements where necessary and mitigation requirements are clarified. Twelve species have been exempted and mitigation is not required for trees within street pavement or building footprints, provided impact minimization is demonstrated.

Mr. Gattis said that sometimes it is not realistic to mitigate all the trees on a site so proposed is an option of payment of fee-in-lieu. The City could use those funds to plant trees in areas that are relatively close to the construction site.

Staff recommends that, after a public hearing, that the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Subdivision Ordinance.

The Chair asked for any comments or questions from the Commission.

Mr. Ramsey asked if Staff had determined the amount of the fee-in-lieu. Mr. Gattis said it would be up to City Council to set the fee and it is not uncommon to require \$100 per caliper inch.

Mr. Shah said he did not agree that mitigation should not be required for trees within street pavement or building footprints.

Discussion followed between the Commission and Staff on tree mitigation, the option of payment of fee-in-lieu, the proposed list of approved trees, detention ponds, and iSWM™. There being no further comments or questions from the Commission, the Chair opened the public hearing at 8:26 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:27 p.m. and asked for any comments, questions, or a motion from the Commission.

Discussion followed on present tree mitigation requirements, i.e., tree survey and mitigation plans, and proposed mitigation. Mr. Ramsey asked Staff if the proposed mitigation that does not include trees in the building footprint and street pavement areas would also include parking lot areas. Mr. Gattis said parking lots would not be excluded because it is much easier to retain a native tree within a parking lot.

Mr. Gattis said Benbrook's tree mitigation requirements are not as strict as some cities and some cities have no requirements. He said Benbrook's ordinance is weak on enforcement of clear cutting a property. If the owner is developing his property he must follow the mitigation requirements, but there is nothing to stop him from cutting down all the trees prior to submitting development plans. Mr. Gattis said the Council may want to add some sort of tree preservation ordinance. Discussion followed.

Motion by Mr. Shah that the Planning and Zoning Commission recommend the City Council approve the update of the Subdivision Ordinance except for updates to Section 16.28.010, Preservation of Trees and Native Vegetation, and the Commission conduct a work session to compare Benbrook's ordinance to the other 47 cities surveyed. Second by Mr. Dawson. The Chair called the question.

DATE: 04/17/08	REFERENCE NUMBER: PZ-2008-04	SUBJECT: Amendments to the City of Benbrook Subdivision Ordinance Number 1122, as amended – Title 16-Subdivisions	PAGE: 2 of 3
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Vote on the Motion:

Ayes: Mr. Pesce, Mr. Weaver, Mr. Wilson, Mr. Dawson, Dr. Marshall, Mr. Ramsey, Mr. Shah, and Mr. Hughes

Noes: None

Abstain: None

Motion carried 8 – 0



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/17/08	REFERENCE NUMBER: G-1772	SUBJECT: Financial Report for month of March 2008	PAGE: 1 of 2
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Presented for City Councils information and consideration is the financial report for the period ended March 31, 2008.

**GENERAL FUND REVENUES (chart)**

Revenues for the month of March were \$938,099 with most of this amount coming from Electrical Franchise Taxes (\$704,949), Sales Tax (\$117,547) and Interest on Investments (\$129,449). At March 31, total revenues were \$9,772,246 or 77.16% of the budgeted amount. Total revenue collection is now \$411,670 ahead of the previous year.

**GENERAL FUND EXPENDITURES (chart)**

March expenditures were \$932,712. Total expenditures were \$5,886,334 at March 31. Revenues exceed expenditures by \$3,885,912.

**DEBT SERVICE FUND**

Revenues through March 31 were \$1,179,735 or 93.92% of the budget. Total expenditures amounted to \$999,909.

**EDC REPORT**

EDC revenues were \$351,435, with most of this amount coming from sales tax receipts. EDC expenditures were \$894,888, with the largest expenditures going toward professional services, street construction and loan interest payments.

**CAPITAL PROJECTS FUNDS**

Capital Projects revenues amounted to \$1,432,119. The certificates of obligation issue brought in one million dollars and the storm water fee has produced \$391,352. Expenditures totals were \$628,516.

**SPECIAL ASSESSMENTS**

Special Assessments revenues were \$10,396, while expenditures amounted to \$47,378

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

DATE:

REFERENCE  
NUMBER:

SUBJECT:

Financial Report for month of March 2008

PAGE:

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**INVESTMENTS**

At March 31, 2007, the City had \$15,131,864 invested at varying interest rates.

**RECOMMENDATION**

Staff recommends that City Council accept the financial report for the period ended March 31, 2008.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/17/08	REFERENCE NUMBER: G-1773	SUBJECT: Hotel/Motel Tax Report for period ending March 31, 2008	PAGE: 1 of 1
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Attached for City Council's information and consideration is the Hotel/Motel Tax report for the period ending March 31, 2008.

**REVENUES**

Total collections amounted to \$68,824. Bed tax made up \$63,936 of this amount and interest provided \$4,888.

**VISITOR CENTER**

The Chamber submitted \$3,215 in salary and shared overhead expenses for January. The City had charges of \$9,252 for salaries, office furniture, supplies, and travel/training expenses.

**MOTEL 6**

Motel 6 submitted expenses of \$6,927 for advertising related expenses. Only \$5,700 of this amount will be reimbursed due to the budget.

**RECOMMENDATIONS**

Staff recommends that City Council approve the Hotel/Motel Tax report for the period ending March 31, 2008.

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/17/08	REFERENCE NUMBER: G-1774	SUBJECT: Approve the granting of License Agreement under Whitestone Golf Course to transmit natural gas	PAGE: 1 of 2
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**BACKGROUND**

Texas Midstream Gas Services (TMGS), working on behalf of Chesapeake Energy, has requested a gas line easement under Whitestone Golf Course. In lieu of granting a permanent easement, the City Attorney has recommended using a License Agreement. The purpose of the Agreement is to allow the installation of a gas line to transmit natural gas from the gas wells at Benbrook Boulevard and RM 2871.

**SAFETY AND FINANCIAL CONSIDERATIONS**

City Staff and TMGS began negotiations for the License Agreement approximately four months ago. Staff's initial and primary focus was safety, and ultimately required the following additional safety measures:

- The gas line will be bored under the golf course, with no open cutting on the golf course or adjacent to any homes.
- The gas line will be at least 200 feet from any residence.
- The gas line will be deeper than normal, at a minimum of 48 inches.

TMGS initially offered \$113,778 to purchase the License Agreement. After significant negotiations, City Staff and TMGS have agreed to a license fee of \$418,000.

A copy of the License Agreement, which includes an exhibit, is attached.

**TEXAS PARKS AND WILDLIFE CODE**

Because the City uses the property as a golf course, it must comply with the requirements of Chapter 26 of the Texas Parks and Wildlife Code regarding protection of parkland. Section 26.001 requires that the City advertise a public hearing. The City must then determine:

- 1) that there are no reasonable or prudent alternatives to using the parkland, and that
- 2) all reasonable planning to minimize harm to the park has been considered.

A potential alternate route would be to route the line to the north across the Restoration Family Church property, and then westward along to right-of-way of Jerry Dunn Parkway. While this route is slightly shorter (approximately 5,050 feet instead of 6,400 feet), the route would require the acquisition on an easement from the Church, would be difficult to install within the narrow parkway of Jerry Dunn Boulevard (insufficient width and conflicts with other underground utilities), and

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CITY MANAGER		DATE:

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE: 2 of 2
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would place the gas pipeline in close proximity (approximately 70 feet) of numerous houses that back up to Jerry Dunn Parkway.

Damage to the golf course using the preferred route will be mitigated by the fact that the majority of the length of the pipeline (approximately 4,680 feet) will be constructed using underground directional drilling techniques, so no surface activities will be diminished. A 1,495-foot segment along the west property line will be constructed using cut and cover techniques. This is in an area that is not used for the golf course, not in proximity to any homes and TMGS has agreed to restore the vegetation along this segment of the pipeline.

**RECOMMENDATION**

City Staff recommends that City Council:

1. hold a public hearing on the matter of using approximately 4.26 acres of the Whitestone Golf Course for the purpose of installing an underground 24-inch gas line, and
2. at the conclusion of the hearing, grant the License Agreement to Texas Midstream Gas Services and authorize the City Manager to execute the Agreement, and
3. place the revenue from the transaction in the Core Value Fund.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/17/08	REFERENCE NUMBER: G-1775	SUBJECT: Ordinance adopting the 2006 International Building Code Series and fee amendments	PAGE: 1 of 3
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The City of Benbrook currently operates under the 2003 International Code Council series, which includes the

- 2003 International Building Code,
- 2003 International Residential Code,
- 2003 International Energy Conservation Code,
- 2003 International Fire Code,
- 2003 International Plumbing Code,
- 2003 International Fuel Gas Code and the
- 2003 International Mechanical Code

These codes are revised every three years to provide for the inclusion of newly-approved materials and methods of construction. Construction codes are adopted to protect health, safety and welfare by establishing minimum standards for materials and methods of construction. Benbrook first adopted the Uniform Building Code in 1969 (Ordinance 262). The electrical code is promulgated by a different code organization and is on a different adoption cycle. Benbrook currently operates under the 2005 National Electric Code, as amended.

The North Central Texas Council of Governments (NCTCOG) encourages local governments to adopt the same building code series to enable builders to have comparable requirements from city to city. The NCTCOG recently recommended the adoption of the 2006 International Building Code series, along with a number of regional amendments.

In December of 2007, NCTCOG recommended adoption of the following codes

- 2006 International Building Code, with regional and local amendments
- 2006 International Residential Code, with regional and local amendments
- 2006 International Energy Conservation Code, with regional amendments
- 2006 International Plumbing Code, with regional and local amendments
- 2006 International Fuel Gas Code, with regional amendments
- 2006 International Fire Code, with regional amendments
- 2006 International Mechanical Code, with regional amendments

### REGIONAL AND LOCAL AMENDMENTS

The NCTCOG also recommends the adoption of regional amendments (developed by Regional Code Committee) to adjust the international codes to serve local needs and conditions. The City Staff supports these recommendations with additional local amendments, as described below:

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

DATE: 04/17/08	REFERENCE NUMBER: G-1775	SUBJECT: Ordinance adopting the 2006 International Building Code Series and fee amendments	PAGE: 2 of 3
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1. 2006 INTERNATIONAL BUILDING CODE

The NCTCOG is proposing the adoption of numerous regional amendments to the 2006 International Building Code. These regional amendments reflect changes to provisions that are in conflict with construction practices in the area. The staff is also proposing one additional local amendment to require a certificate of occupancy on all commercial buildings before occupancy. This will allow the Fire Department and Inspection Department to inspect commercial structures between occupancies prior to tenants occupying the space. This will provide a safer building for the occupants.

The staff is also proposing a minor revision to the method of calculating fees for building permits, by removing the 20 percent reduction in cost. This adjustment made sense when other cities were much lower than Benbrook, but most cities have raised their fees. It also tends to benefit the most expensive houses.

2. 2006 INTERNATIONAL RESIDENTIAL CODE

The NCTCOG regional amendments to the 2006 International Residential Code are numerous with the addition of the climate moisture map revision; additional local amendments are proposed for changes in Appendix G Swimming Pools. This will affect the barrier around the pool area and Chapter 28 Water Heaters.

3. 2006 INTERNATIONAL ENERGY CONSERVATION CODE

In 2001, the Texas Legislature adopted the 2000 International Energy Conservation Code (IECC) as the energy conservation code for the State of Texas. Every three years the State updates the current issue of the International Energy Conservation Code (IECC) as the energy conservation code for the State of Texas. NCTCOG regional amendments are numerous. However, these changes will make interpretations of the code easier. The main change is in the climate moisture map. The Energy Code amendments also have the benefit of meeting the noise reduction requirements in the 65 decibel zone from the NAS JRB aircraft.

4. 2006 INTERNATIONAL PLUMBING CODE

The changes from the 2003 International Plumbing Code to the 2006 International Plumbing Code are relatively minor. The changes are to the number of required fixtures, such as water closets, lavatories and drinking fountains to correspond with the International Building Code. The NCTCOG regional amendments provide for common interpretations for the Metroplex. The only local amendment proposed is a change in the requirements for protection of the potable water system when installing lawn irrigation systems as required by the Benbrook Water Authority.

5. 2006 INTERNATIONAL FUEL GAS CODE

The International Fuel Gas Code provides standards for combustion air, gaseous hydrogen systems, testing and various other items. The NCTCOG regional amendments change the

DATE: 04/17/08	REFERENCE NUMBER: G-1775	SUBJECT: Ordinance adopting the 2006 International Building Code Series and fee amendments	PAGE: 3 of 3
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IFGC to correspond with construction practices in the area. The NCTCOG regional amendments are minimal and no additional local amendments are proposed.

6. 2006 INTERNATIONAL FIRE CODE

The changes between the 2003 and 2006 editions primarily address alarm systems including but not limited to sprinkler, smoke and fire systems. The NCTCOG recommended changes are mostly to provide better conformance to the Building Code and the necessary adjustments serve the needs of the region. The NCTCOG regional amendments are minimal and no additional local amendments are proposed.

7. 2006 INTERNATIONAL MECHANICAL CODE

The 2006 International Mechanical Code has relatively few changes from the 2003 International Mechanical Code. The changes add several definitions to clarify new or existing terms used in the code text. There are no local amendments proposed.

**RECOMMENDATION**

Staff recommends that the City Council adopt the attached ordinance adopting the:

- 2006 International Building Code, with regional and local amendments,
- 2006 International Residential Code, with regional and local amendments,
- 2006 International Energy Conservation Code, with regional amendments,
- 2006 International Plumbing Code, with regional and local amendments,
- 2006 International Fuel Gas Code, with regional amendments,
- 2006 International Fire Code, with regional amendments,
- 2006 International Mechanical Code, with regional amendments

as the official building and construction codes for the City of Benbrook.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/17/08	REFERENCE NUMBER: C-234	SUBJECT: Interlocal Agreement with NCTCOG and Gabriel Roeder Smith & Company for Actuarial Shared Services	PAGE: 1 of 1
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### REQUIREMENTS

GASB 45 requires employers to complete an actuarial valuation of all “other post employment benefits” (OPEB) to determine their costs. The City has very few OPEB costs, however, allowing employees to remain on the group health insurance policy (at their cost) is determined to be an “implied subsidy,” and a cost must be determined for this benefit. After the cost has been determined, the City may be required to provide a method of funding these costs.

### BIDS SOLICITED

Since area cities generally lack the expertise to do actuarial analysis and to prevent every city from having to bid and contract for these services, North Central Texas Council of Governments (NCTCOG) agreed to solicited bids for actuarial services. The primary objective is to leverage a better price by hiring one actuarial firm to provide services to all of the cities. NCTCOG contracted with Gabriel Roeder Smith & Company (GRS) to provide actuarial services at a reduced rate. Cities must sign an Interlocal Agreement with NCTCOG for the service.

### FUNDING & COSTS

The estimated cost of the OPEB analysis is \$6,760 for the basic study. However, additional cost may be necessary after the initial study is completed. Some cities have had to complete additional analysis at \$780 per study. The City may also have to pay for GRS travel expenses if those become necessary.

### RECOMMENDATIONS

Staff recommends that City Council authorize the City Manager to sign the Interlocal Agreement with the NCTCOG and GRS for Actuarial Shared Services at a cost not to exceed \$10,000.

#### **Attachments:**

Engagement Agreement

NCTCOG Interlocal Agreement

GRS Master Agreement

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: 04/17/08	REFERENCE NUMBER: C-235	SUBJECT: Award contract for traffic signal installation – Winscott Road and Old Benbrook Road/ Beckman Drive	PAGE: 1 of 2
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### BACKGROUND

Traffic on Winscott Road near the intersection of Old Benbrook Road has increased over the past several years. There are also a number of pedestrians (employees of Weatherford International) that cross at this location. City Council budgeted \$125,000 for FY 2007/2008 to design and construct a traffic signal at the Winscott Road and Old Benbrook Road/Beckman Drive intersection. A traffic study was completed which showed that a traffic signal at this location was warranted. Kimley Horn and Associates completed the engineering design in March at a cost of \$18,000.

The project includes the installation of four mast arms and traffic signals at the intersection of Winscott Road and Old Benbrook Road (opposite a private driveway for Weatherford International), a pedestrian pedestal on the Z. Boaz Park corner, installation of ADA curb ramps and associated sidewalk, and the necessary signal controller, electrical connections and pavement markings. Included in the construction contract is the removal of the existing mid-block crosswalk and flashing pedestrian signal.

Weatherford International has requested the construction of an 8-foot wide, 6-inch thick sidewalk on the west-side of Winscott Road. This will aid Weatherford in transporting materials across Winscott Road using forklifts. Since the sidewalk is not a standard walkway, Weatherford International has agreed to fund all sidewalk portions beyond that of a standard City sidewalk, or approximately \$10,500.

The project includes the installation of a video detection system to actuate the signal, to be provided by the City. Staff estimates the cost of the video detectors will be approximately \$7,000 through a TxDOT contract.

### BIDS RECEIVED

Bids were opened on April 3, 2008, and two bids were received:

	<u>COST</u>
1. Durable Specialties, Inc.	\$111,000
2. Roadway Solutions, Inc.	\$122,906

Staff anticipated a low number of bids on the project, because of the limited number of contractor who do this work. Durable Specialties Inc. submitted a low bid of \$111,000. Staff and the City's

SUBMITTED BY:  CITY MANAGER	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:  CITY SECRETARY
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DATE: 04/17/08	REFERENCE NUMBER: C-235	SUBJECT: Award contract for traffic signal installation – Winscott Road and Old Benbrook Road/ Beckman Drive	PAGE: 2 of 2
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consultant have reviewed the bid and believe it is reasonable. The engineer's recommendation letter is attached.

**FUNDING**

The City Council budgeted \$125,000 in this year's budget to fund the project. Weatherford International has agreed to fund \$10,500 toward the project. The total expenses (engineering and construction) of \$129,000 less the \$10,500 from Weatherford nets a total cost of \$118,500. The remaining funds will be used to purchase the video detectors (approximately \$7,000), with any cost overruns coming from the Street Maintenance account.

**RECOMMENDATION**

Staff recommends that City Council accept and approve the construction contract with Durable Specialties Inc. at a cost of \$111,000 to be charged to the Capital Projects Fund.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/17/08	REFERENCE NUMBER: C-236	SUBJECT: Consider amendment to engineering contract with Teague Nall and Perkins, Inc. for design of Plantation East Creek Drainage Project	PAGE: 1 of 2
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The last remaining project from the 2004 Bond election is the construction of the Plantation East Creek drainage project between Tara Drive and Springbranch Drive. The City authorized an engineering design contract with Teague Nall and Perkins, Inc. (TNP) in February 2005 for a lump sum fee of \$99,800, plus up to \$30,000 in surveying costs.

TNP prepared preliminary construction plans in late 2005 and the City began obtaining easements in November 2005. The construction plans reflected a gabion-lined channel as TNP proposed in their 2004 hydraulic feasibility study. The last required easement was obtained in April 2007.

### Change in Design

While the City was obtaining easements for Plantation East Creek, the City began construction of the Plantation West Creek improvements in February 2007. The contractor proposed to change the gabion walls to modular concrete block walls. After considerable review by City staff and the City's engineer, the staff approved a change order replacing the gabion walls with modular concrete block walls in May 2007. Because the change to modular block walls was initiated by the contractor, the contractor paid to design the new walls and compensated the City's engineer (TNP) \$15,000 for the revision of the plans.

It was agreed to delay the completion of the Plantation East Creek plans until the staff felt comfortable with the results of the change in the Plantation West Creek project. The staff has been happy with the modular block walls and the modular walls have the benefit of being more aesthetically pleasing and they take up less horizontal surface width than the gabion walls. The width of the easement is not reduced because of the required underground tie-backs.

### Request for Additional Design Fee

In November 2007, TNP requested an increase in their design fee of \$28,500, which raises the total lump sum fee to \$128,300. TNP based the request on the need to redesign the project from a gabion wall to a modular block wall system, and the need to rerun all of the hydraulic models based on the new design. The staff recognizes that additional design effort will be required and that it would not be cost-effective to redesign the project with a new engineer; however, the staff was concerned about the magnitude of the increase since it was nearly twice what it cost to redesign Plantation West Creek and the Plantation East Creek project has a shorter length (approximately 1,170 feet) than does Plantation West (approximately 2,350 feet.)

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

DATE: 04/17/08	REFERENCE NUMBER: C-236	SUBJECT: Consider amendment to engineering contract with Teague Nall and Perkins, Inc. for design of Plantation East Creek Drainage Project	PAGE: 2 of 2
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Staff met with representative of Teague Nall and Perkins in January 2008 to express our concern over the fee increase. TNP officials said that they would review the request, but that the fee increase would not be any more than what was proposed.

In March, TNP submitted a request for an increase of \$30,000, for a total fee of \$129,800. This includes the additional costs from TNP, as well as design costs from Pavestone for the structural design of the modular block wall. The Pavestone costs were not included in the Plantation West project since Pavestone absorbed those costs.

Staff is also concerned about the apparent increase in costs for the project. The last construction cost estimate provided by TNP to the City (January 2007) was \$960,500, including contingencies. We have not received a revised cost estimate since then.

**RECOMMENDATION**

Staff has no recommendation regarding the contract amendment to increase the design fee by \$30,000 for the design of the Plantation East Creek project to a lump sum fee of \$129,800.