

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JUNE 7, 2007
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 Jeff Klingenberg with Benbrook Christian Fellowship
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held May 7, 2007

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Resolution Appointing Municipal Court Judge (2007-08)
2. Councilmember James Schull – Relationship between City of Benbrook and Fort Worth ISD

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1703 Adopt Ordinance vacating a 10-foot wide utility easement along the common line between Lots 2 and 3, Block A, Lakeview-High Point Addition (1326)

G-1704 Consider financial options for Plantation East Creek Drainage Project

G-1705 Authorize a walking lane on Mercedes Street

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MAY 17, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, May 17, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Cathy Morris, Administrative Analyst
Walter Shumac, Director of Public Services

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher, City Planner
Bob Rowley, City Engineer
Charlotte Vander Pan
Valerie Stowe
Madonna Tully
Madison Tully
Denzil and Jean Tully
Marie Sauma
Jim Wilson
Kyle Carr
Bill Smith
Joan Chew
Pat Dunkin
Students from W.H.H.S. Government Class
and approximately 15 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 Jack Cook with Wyatt Drive Baptist Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held May 3, 2007

Motion by Mr. Vander Pan, seconded by Mr. Sauma to approve the minutes of the regular meeting held May 3, 2007 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. OATH OF OFFICE

1. Oath of Office to Newly Elected Members of City Council

City Secretary, Joanna King administered the Oath of Office to Mayor Jerry Dittrich, Councilmember Keith Bailey, Councilmember Dan Tully, and Councilmember Ron Sauma.

V. SELECTION OF MAYOR PRO TEM

Nomination by Mr. Sauma, seconded by Mr. Schull to select Rickie Allison as Mayor Pro Tem. There were not other nominations.

Vote on the Nomination:

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

Noes: None

Nomination carries unanimously.

VI. SELECTION OF NORTH CENTRAL TEXAS COG VOTING REPRESENTATIVE

Nomination by Mr. Stowe, seconded by Mr. Bailey to select Ron Sauma as the North Central Texas Council of Government Voting Representative. There were not other nominations.

Vote on the Nomination:

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

Noes: None

Nomination carries unanimously.

VII. CONSENT AGENDA

- 1. Resolution Granting Approval to the Tarrant County Housing Finance Corporation to Finance Home Mortgages for Single Family Homes Located within the City**
- 2. Ordinance Readopting Guidelines and Criteria for Tax Abatement Agreements**
- 3. Authorize Interlocal Agreement with Fort Worth Transportation Authority for Tarrant County Transportation Services**

Motion by Mr. Schull, seconded by Mr. Stowe to approve the consent agenda.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2007-07 being “A RESOLUTION GRANTING APPROVAL TO THE TARRANT COUNTY HOUSING FINANCE CORPORATION FOR THE USE OF THE PROCEEDS OF ITS SERIES 2007 SINGLE FAMILY MORTGAGE REVENUE BONDS TO FINANCE HOME MORTGAGES FOR SINGLE FAMILY HOMES LOCATED WITHIN THE CITY.”

Ordinance No. 1234 being “AN ORDINANCE AMENDING AND READOPTING CHAPTER 3.20 (TAX ABATEMENT AGREEMENTS) OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, READOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AND DESIGNATION OF REINVESTMENT ZONES, DEFINING QUALIFYING FACILITIES, ESTABLISHING THE TERM AND LIMITS OF ABATEMENT, REQUIRING AN APPLICATION, DELEGATING ADMINISTRATIVE AND NEGOTIATION; AMENDING CHAPTER 1.12 (FEES FOR PUBLIC SERVICES); PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING FOR VARIANCES AND EXPIRATION; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.”

SECTION 3 PUBLICATION AND EFFECTIVE DATE

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

The City Secretary of the City of Benbrook is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance records of the City.

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

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

VIII. CITIZEN PRESENTATION

1. Jim Wilson – Benbrook Bike Routes

Mr. Jim Wilson with LMRA Bicycle Club made the following request:

The Benbrook City Council recently approved a city-wide On-Road Bicycle Route Network. We would like to present why portions of this network should be allocated funding during this fiscal year. We believe the growth in our city and the low cost of implementing these routes justify moving forward this year on major portions of this approved network. The public roadways and type of enhancements are detailed below:

Mercedes Street from Winscott Road through the new extension west across Highway 377

- Designate as Bike Lane with signage and white separating line on the pavement
- No parking signs are suggested on northern side of roadway adjacent to elementary school (for pedestrian purposes during school hours)

Vista Way from Highway 377 through Westpark Drive to new connection with Mercedes Street extension

- Designate as a Bike Lane with signage and white separating line on the pavement

Williams Road from Highway 377 to Chapin Road

- This should be designated a Bike Lane but as it is scheduled to be re-paved, paint on the roadway would be a wasteful expense until complete
- Request it be designated as a Bike Route with signs only until new pavement complete, then mark roadway as Bike Lane with separating white line

Chapin Road from Williams Road to I-820 frontage road

- Designate as a Bike Route just as Winscott Road is currently

Lakeway Drive from current Winscott Road Bike Route to Westpark Drive

- Designate as a Bike Route as continuation on Winscott Road route

Westpark Drive from Highway 377 to FM 2871 (connects Winscott Road & Vista Way/Mercedes Street routes together)

- Designate as a Bike Route like Winscott Road is currently

Mr. Wilson discussed with City Council the request to implement the changes prior to the beginning of the next school year.

No action taken on the item at this time. Staff instructed to schedule a worksession to discuss safety issues and cost to implement the requested bike routes.

IX. REPORTS OF CITY MANAGER

A. GENERAL

G-1700 Financial Report for Month Ending April 30, 2007

Mr. Wayman gave the following report: Year-to-date General Fund revenues amounted to \$9,676,154. Revenues for the month of April totaled \$315,578. Current revenue collection exceeds the prior year by \$638,124.

General Fund expenditures amounted to \$6,547,901. April expenditures totaled \$796,332. At April 30, revenues exceed expenditures by \$3,119,253.

EDC revenues were \$112,568 while expenditures were \$69,572. For the year, expenditures exceed revenues by \$468,124.

Investments were \$13,526,984 at April 30, 2007. This entire amount is available immediately if needed.

Motion by Mr. Allison, seconded by Mr. Tully to accept the monthly financial report for the month of April, 2007.

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-1701 Adopt Ordinance Restricting Parking in the Cul-de-Sac Area of Coates Circle

Walter Shumac gave the following report: Coates Circle is located south of Chapin Road and east of Williams Road. It is a residential street ending with small cul-de-sac serving four-plex condominiums. Each unit has available parking in the rear. Recently, staff received complaints that vehicles are parking “head on” in the cul-de-sac, obstructing mail delivery and traffic flow. In November 2006, the Benbrook Fire and Police Departments responded to an emergency call on Coates Circle. The emergency vehicles experienced difficulty negotiating the cul-de-sac due to the parked cars.

The current ordinance already prohibits parking on “all of Coates Circles within twelve and on-half feet from any group of mailboxes greater than three in number along a line adjacent to the existing curb.”

The proposed ordinance designates a “no-parking” zone in the cul-de-sac. If adopted, City crews will install no parking signs and being enforcement.

Motion by Mr. Stowe, seconded by Mr. Schull to approve Ordinance No. 1235 designation “No-Parking” at the end of Coates Circle.

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. 1235 being “**AN ORDINANCE AMENDING CHAPTER 10.40 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REVISING THE NO PARKING RESTRICTIONS ON COATES CIRCLE; PROVIDING FOR VIOLATIONS, PENALTIES AND INJUNCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**”

SECTION III
PENALTY CLAUSE

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00).

SECTION X
EFFECTIVE DATE

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

G-1702 Consider Appointment to Vacant Position on Benbrook Economic Development Corporation Board of Directors

Joanna King gave the following report: The Articles of Incorporation of the Benbrook Economic Development Corporation address vacancies on the EDC Board of Directors and states "A director who is a member of the city council shall cease to be a director upon ceasing to be a member of the city council."

Mr. John Vander Pan currently serves in Place 5 of the EDC and did not seek re-election on City Council. Therefore, a position exists on the EDC with the term expiring October 2007.

City Council should consider one of the following options:

- Appoint a Director to fill the remainder of the term.
- Declare the vacated position open for the remainder of the term

Mr. Vander Pan has expressed an interest in continuing service on the EDC Board of Directors.

Motion by Mr. Allison, seconded by Mr. Stowe to appoint John Vander Pan to Place 5 on the EDC Board of Directors to fill the unexpired term.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

X. OTHER MATTERS OF BUSINESS

XI. INFORMAL CITIZEN COMMENTS

XII. ADJOURNMENT

Meeting adjourned at 8:55 p.m. followed by worksession to receive status of Storm Water Utility Project.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

911 Winscott Road • P.O.Box 26569 • Benbrook, Texas 76126-0569 • (817) 249-3000 • Fax 249-0884

MEMO TO: Mayor and Members of City Council
FROM: Andy Wayman, City Manager
SUBJECT: Appointment of Municipal Court Judge
DATE: June 7, 2007

Article IX, Section 9.03 of the Benbrook Home Rule Charter requires City Council to appoint the municipal court judge to serve a two-year term.

Alan Bowling has served as the Judge of the Municipal Court since 2005. Mr. Bowling served as the Associate Judge since 2002 and continues to show high standards of judicial excellence in both knowledge and practice.

Staff recommends that City Council adopt the proposed resolution reappointing Alan Bowling as the Judge of the Municipal Court for a two year term.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/07/07	REFERENCE NUMBER: G-1703	SUBJECT: Adopt Ordinance vacating a 10-foot wide utility easement along the common line between Lots 2 and 3, Block A, Lakeview-High Point Addition	PAGE: 1 of 1
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Lakeview-High Point was final platted in April, 2006 as a five lot subdivision south of Rogers Road and west of Grace Cozby in the Stephens Heights area. The April 2006 plat established utility easements along all lot lines of the acre-plus lots for the use of public utility suppliers.

Lots 2 and 3, Block A, were recently purchased by a single owner and are in the process of replatting the two lots into a single lot of record, Lot 3-R. In conjunction with the replat combining the two lots, the ten-foot wide utility easement along the current common line between existing Lots 2 and 3 is proposed to be vacated. All utility suppliers have reviewed the proposed replat, including the proposed utility easement vacation, and reported that they have no facilities in the easement, no future plans for facilities in the easement, and have no objection to the vacation of the easement. Since the utility easement is not being used by, nor useful or convenient to the public in general, and constitutes a public charge without a corresponding public benefit, the public would be better served and benefitted by its vacation and abandonment.

RECOMMENDATION

City staff recommends that the City Council approve the ordinance vacating the ten-foot wide utility easement along the common line between Lots 2 and 3, Block A, Lakeview-High Point and authorize the Mayor to execute a quitclaim deed releasing the interest of the City in the easement.

SUBMITTED BY: Andy Wayman	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: 06/07/07	REFERENCE NUMBER: G-1704	SUBJECT: Consider financial options for Plantation East Creek Drainage Project	PAGE: 1 of 1
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The channel improvements along Plantation East Creek behind Tara Drive is the last project included in the 2004 bond program that has not been authorized for construction (see picture below.) The project will remove approximately 23 houses from the 100-year floodplain. The project design has been completed and the last required drainage easement was obtained in April of this year.



Figure 1. Plantation East Creek Channel and floodplain

The estimated cost of construction for this project is \$1,027,424 (see attached estimate.) Unfortunately, there are insufficient funds currently available to build the project and the drainage bond funds have been used for other projects, including:

- Unexpected construction cost increases on other projects, including the Timber Creek drainage projects, Plantation West Creek drainage project, and removal of 913 Timberline drive from the 100-year floodplain.
- Expansion of the project scope on Plantation West Creek to include the area upstream of the low-water crossing of Mary’s Creek Drive. This was necessary to eliminate a drainage problem caused by a private bridge upstream of the low-water crossing.

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

DATE: 06/07/07	REFERENCE NUMBER: G-1704	SUBJECT: Consider financial options for Plantation East Creek Drainage Project	PAGE: 2 of 2
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- Unexpectedly high easement acquisition costs on the Timber Creek project, Plantation West Creek project, and Plantation East Creek.

An additional \$1,000,000 is necessary to complete the Plantation East Creek project. City Council may recall that the shortfall was present when the Plantation West Creek project was authorized, but City Council directed staff to proceed with acquisition of drainage easements on Plantation East Creek.

OPTIONS

There are several options available to the City Council:

1. The City Council could choose to postpone construction of the Plantation East Creek Drainage project until a future bond issue is approved by the voters. Staff projects that a future bond election would not be feasible until 2010, without a tax rate increase. The City will retain the permanent drainage easements, but many of the temporary construction easements will expire and will need to be renegotiated. It is likely that construction costs will continue to increase and local residents will still be subject to flooding and flood insurance requirements.
2. The City Council could choose to authorize construction with funding to come from unappropriated reserves. Approximately \$5.5 million is available in unencumbered reserves.
3. The City could issue certificates of obligation to cover the cost of construction. This debt could be covered by a portion of the Storm Water Utility fee.

RECOMMENDATION

Staff recommends that the City Council authorize the issuance of \$1 million in certificates of obligation to cover the cost of constructing the Plantation East Creek drainage project utilizing a portion of future Storm Water Utility revenues to service the C. O. debt and authorize the solicitation of bids for construction.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/07/07	REFERENCE NUMBER: G-1705	SUBJECT: Authorize Construction of a Walking Lane on Mercedes Street	PAGE: 1 of 1
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BACKGROUND

Currently, there is no sidewalk on the north side of Mercedes fronting Benbrook Elementary. As a result, there is no designated walkway for students to access the crosswalk at San Angelo/Park Center. To alleviate this problem, Council Member Sauma suggested utilizing a portion of the existing road to create a walking lane. Subsequently, City Staff met with the Benbrook Elementary Principal to discuss the project. She fully supports the walking lane project.

PROPOSED PROJECT

The proposed project creates a four (4) foot walking lane on the north side of Mercedes by installing 3 foot tall tubular road markers and road buttons. The tubular road markers provide a visual and a physical barrier to prevent vehicular encroachment into the walking lane. The walking lane is for pedestrians only and will be signed accordingly. Last week, Staff met with representatives from the Lockheed Martin Bike Club (LMBC) to discuss the pedestrian lane. LMBC representatives concur with the pedestrian only lane and have withdrawn their request for a bike lane for this section of Mercedes. In conjunction with the walking lane, Staff will re-stripe the center line of Mercedes. There will be sufficient width for parking on both sides of the street. The school will send flyers to notify parents of the new pedestrian lane

The project will be constructed and maintained by City personnel and funded with current street maintenance funds.

Two other options were discussed but are not recommended:

- **Option One** - construct a sidewalk behind the curb. However, there is insufficient right-of-way (ROW) and the City will have to acquire additional ROW.
- **Option Two** - reconstruct this section of Mercedes, adding a new curb and sidewalk to the existing ROW. This would increase the cost of the project to approximately \$8,000 and alter the drainage pattern of Mercedes.

RECOMMENDATION

Staff recommends that City Council authorize the construction of a walking lane along Mercedes Street from the BWA water tower to the existing sidewalk utilizing 3 foot tall tubular road markers and road buttons.

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