

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, NOVEMBER 20, 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.

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

I. CALL TO ORDER

**II. INVOCATION – Pastor Jack Cook with Wyatt Drive Baptist Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held November 6, 2008

IV. PRESENTATION BY MAYOR AND COUNCILMEMBERS

1. Reschedule January 1, 2009 regular City Council meeting

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2008-12 Adopt Ordinance rezoning Blocks 1, 2, 3, 4, 5, 6, 7, and 8, and Tracts B1 and B2, Tracts CA, C1B, C1B1, C1C, C1D, C1E, C1H, C1H1, CIJ, C1K, and C2 – C22, Boston Heights Addition, Lot 1, Jack In The Box Addition, Lot 1, Martinez Addition (north side of Chapin Road from Williams Road to Boston Avenue, north and south sides of Longford Street, Lifford Street, Carrick Street, and Bangor Drive from Williams Road to Boston Avenue, north side of Bangor Drive from Boston Avenue to Westerly Road, north and south sides of Rush Street from Boston Avenue to Westerly Road, 3520 – 3536 Westerly Street, west side of Williams Road from Camp Bowie West Boulevard to Chapin Road, east and west sides of Boston Avenue from Camp Bowie West Boulevard to Bangor Drive, south side of Camp Bowie West Boulevard from Williams Road west to city limit); Lot 1, Block 1, Western Hills High School Addition (3600 Boston Avenue); Lots 1, 16, and 17, Block 7, Lots 1, 2, 15, 16, 17, 18, and 19, Block 8, and Lot 1, Block 9, Westvale Addition (8000 Ferndale Drive, 8000 – 8005 Northbrook Drive, 8000 – 8013 Westvale Drive, and 3808 Williams Road); Lots 1-10, Heritage Hills Addition (3800 – 3839 Coates Circle); Tracts 1D1, 1D, 1B2, 1B1, 1F, 1J, and 1H, in the McKinney & Williams Survey Abstract Number 1118 (7701, 7709, 7713, and 7833 Chapin Road and 3823, 3837, and 3853 Williams Road); Lots 2, 6, 7, 8, and 9, Triangle Addition (4734 – 4850 U.S. Highway 377, South) to apply “NAS” (Naval Air Station) Overlay District zoning classification to the existing underlying zoning district classification of each property.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1821 Interlocal Agreement with City of Fort Worth for Rabies Control

B. PURCHASE

P-256 Purchase Police Vehicles

VII. STAFF BRIEFING

1. Get Fit Benbrook Program
2. Mutual Aid to Galveston, Texas - Providing Building Inspection Services

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. JOINT EXECUTIVE SESSION BETWEEN BENBROOK CITY COUNCIL AND BENBROOK ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS – Pursuant to Section 551.071 of the Government Code to receive the advise of the City Attorney on the following matter in which the duty of the attorney to the City Council under Texas Disciplinary Rules of professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code

1. Legal issues relating to the agreements and projects of Benbrook Economic Development Corporation with BBT/RichPenn

X. RECONVENE INTO REGULAR SESSION

1. Necessary action from Executive Session

XI. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
NOVEMBER 6, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, November 6, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Dan Tully
Ron Sauma
Keith Bailey
Mark Washburn
Rickie Allison

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Walter Shumac, Director of Public Service

Others Present:

Ed Gallagher, City Planner
Ron Rainey
Bill Smith
Charlie Anderson
Tammi Cauthen
Robert Clark
Duane Slater
and 3 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 Elder Sherle Roberts with Tabernacle of Praise
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held October 16, 2008

Motion by Mr. Sauma, seconded by Mr. Allison to approve the minute of the regular meeting held October 16, 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

2. Minutes of the special meeting held October 21, 2008

Mr. Wayman stated that on October 21, 2008, the City Council met in a specially called open meeting to hear expert testimony and discuss the Cities Aggregate Power Project long-term power purchase agreement. City Council voted 5-1 to join other cities in purchasing approximately 70% of Benbrook's future electricity usage for a period of 24 years at a base rate of 5.6 cents per kilowatt hour. The agreement requires that 3.5 cents of the base capacity be prepaid through issuance of debt by CAPP on behalf of participating cities. The agreement has not been finalized pending market and credit conditions.

The City Council also voted 6-0 to approve a 5-year contract to purchase electricity in excess of the base, or to meet all electricity needs, pending final disposition of the CAPP long-term power purchase agreement.

Motion by Mr. Tully, seconded by Mr. Bailey to approve the minutes of the special meeting held October 21, 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2008-04 Ratify Employee Contract for Benbrook Economic Development Executive Director

Mr. Rainey gave the following report: The Benbrook Economic Development Corporation Board of Directors agreed on October 20, 2008 to offer a revised Employment Contract to its Executive Director. The previous executed 5-year contract is being revised to mirror terms and conditions used by the City of Benbrook for employment of its City Manager.

Motion by Mr. Tully, seconded by Mr. Sauma to accept the Executive Director's Employment Contract as presented and to be returned to the Benbrook Economic

Development Board of Directors for formal approval and execution, upon the execution of the contract the Executive Directors compensation difference between his actual compensation from October 1, 2008 to the contract execution date and this contract as if it was enforced from October 1, 2008 shall be paid.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**EDC-2008-05 Ratify actions of BEDC Board of Directors in accepting
Commitment Letter from First Bank and ratify principal
reduction payment**

Mr. Rainey gave the following report: The Benbrook Economic Development Corporation Board of Directors agreed on October 20, 2008 to accept a Letter of Commitment from First Bank for a 5% Principal Reduction payment on its \$3,840,000.00 loan. The principal payment will total \$192,000.00. The BEDC will also pay a .75% Exit Fee on the note for an additional \$1,440.00. The "exit fee" was agreed to at the beginning of the loan in lieu of an origination fee.

The interest rate on the loan is established as floating at Wall Street Journal Prime Rate and First Bank is requesting a rate floor of 5%. The note will mature on May 31, 2009. Collateral for the loan is the First Lien Deed of Trust on 82 +/- acres on land along the west side of Benbrook Boulevard (US377) and the assignment of Benbrook EDC sales tax receipts.

Motion by Mr. Tully, seconded by Mr. Bailey to ratify the Benbrook Economic Development Corporation Board of Directors actions in accepting a Commitment Letter from First Bank and executed by BEDC President Charlie Anderson and First Bank's Benbrook Branch President Tammi Cauthen and to approve the principal reduction payment as budgeted in the BEDC's FY2008-09 budget in item #5719 Loan Principal Reduction.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

V. REPORT OF CITY MANAGER

A. GENERAL

G-1819 Authorize Staff to initiate changing the street names of Park Road 1, Park Road 2 and Park Road 3 in Dutch Branch Park

Walter Shumac gave the following report: Park Road 1, Park Road 2, and Park Road 3 are located in Dutch Branch Park. Park Road 1 runs from Benbrook Boulevard to the tennis courts. Park Road 2 goes from Winscott Road to the ball fields. Park Road 3 begins at Beach Road and meanders through the park and intersects with Stevens Drive.

Multiple streets with similar names in the same general location can create confusion. During an emergency situation, the Police Department and Fire Department may inadvertently be dispatched to an incorrect location. To alleviate confusion, Staff proposes that the street names be changed. Staff is recommending that Park Road 1 be renamed Creekside Drive, Park Road 2 be renamed Cary Conklin Drive and Park Road 3 be renamed Lake Shore Drive.

Former City Manager Cary Conklin began his Benbrook career as parks superintendent. He was responsible for the vast majority of the assets in the athletic complex. Naming the street leading into the athletic complex "Cary Conklin Drive" would be a fitting tribute to his service to Benbrook.

The Parks and Recreation Board have formally considered the new street names and recommend the name changes.

With Council approval, Staff will bring an ordinance to a future council meeting for formal consideration.

Motion by Mr. Washburn, seconded by Mr. Sauma to direct Staff to initiate changing the street names of Park road 1, Park Road 2 and Park Road 3 to Creekside Drive, Cary Conklin Drive and Lake Shore Drive.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1820 Adopt Ordinance amending Title 10-Vehicles and Traffic of the Benbrook Municipal Code by adding a new Chapter 10.56- Locally Enforced Motor Vehicle Idling Restrictions and approve a memorandum of agreement with the Texas Commission on Environmental Quality to enforce this rule locally

Dave Gattis gave the following report: As part of the Region's efforts to reduce air pollution, the North Central Texas Council of Governments (NCTCOG) is asking local governments to adopt the Texas Commission on Environmental Quality (TCEQ) rules on locally-enforced motor vehicle idling. The TCEQ rules allow the City to enforce State rules by adopting the rules by reference and sign a Memorandum of Agreement (MOA) with TCEQ to enforce the regulations.

Idling of large diesel trucks is one of the major sources of nitrous oxides and volatile organic air pollutants in the region. It is estimated that the average diesel truck idles approximately 1,830 hours per year and uses one gallon of diesel per hour while idling. The propose rule restricts idling to no more than five minutes when the vehicle is not in motion. Other Cities and Counties in Texas have adopted the restrictions to control air pollutants.

Implementation of the rule is a three-step process. The first is the adoption of the Ordinance and execution of the MOA. The second step is education through signs and brochures. The final step is enforcement by the Police Department and/or code enforcement. Enforcement may be either proactive or complaint-based.

The rules apply to vehicles with a gross vehicle weight rating of 14,000 pounds, which includes most tractor-trailer, flatbed, dump trucks, and buses. The rules restrict idling to no more than 5 minutes during the period from April 1 through October 31, and also prohibits long-term idling in a residential neighborhood or near a school. There are numerous exemptions, including military vehicles, emergency vehicles, law enforcement vehicles, leased vehicles, or vehicles caught in traffic congestions. It also exempts motors running to power auxiliary equipment, for maintenance, or to defrost windshields. The rules exempt use of a sleeper berth for government-mandated rest periods until September 2009, with the intent for truckers to use electrified truck stops.

Motion by Mr. Allison, seconded by Mr. Washburn to adopt Ordinance No. 1277 adopting locally-enforced motor vehicle idling restrictions and authorizing the Mayor to execute the Memorandum of Agreement with Texas Commission on Environmental Quality.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1277 being “**AN ORDINANCE AMENDING TITLE 10-VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY ADDING A NEW CHAPTER 10.56-LOCALLY-ENFORCED MOTOR VEHICLE IDLING RESTRICTIONS AND TO APPROVE A MEMORANDUM OF AGREEMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO ENFORCE THIS RULE LOCALLY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**”

SECTION 6

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

SECTION 10

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

VI. INFORMAL CITIZEN COMMENTS

VII. ADJOURNMENT

Meeting adjourned at 7:58 p.m.

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

November 20, 2008

MEMO TO: Mayor and Members of City Council

FROM: Joanna King, City Secretary

SUBJECT: Consider Rescheduling January 1, 2009 Regular City Council Meeting

The Homerule Charter requires City Council to meet in regularly scheduled meetings at least twice each month and such meetings shall be at least one week apart.

The first regularly scheduled meeting of the City of Benbrook City Council in 2009 is scheduled for January 1st. Because this is a City Holiday, Staff is requesting Council to reschedule this meeting until a date between January 5 through 9, 2009.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 11/20/08	REFERENCE NUMBER: PZ-2008-12	SUBJECT: Adopt Ordinance rezoning various properties to apply "NAS" (Naval Air Station) Overlay District Zoning Classification to the existing underlying zoning district classifications of each property	PAGE: 1 of 9
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**Z – 08 – 03 REPORT TO
PLANNING AND ZONING COMMISSION
OCTOBER 9, 2008**

SUBJECT PROPERTY:

Blocks 1, 2, 3, 4, 5, 6, 7, and 8, and Tracts B1 and B2, Tracts CA, C1B, C1B1, C1C, C1D, C1E, C1H, C1H1, CIJ, C1K, and C2 – C22, Boston Heights Addition; Lot 1, Jack In The Box Addition; Lot 1, Martinez Addition; Lot 1, Block 1, Western Hills High School Addition; Lots 1, 16, and 17, Block 7, Lots 1, 2, 15, 16, 17, 18, and 19, Block 8, and Lot 1, Block 9, Westvale Addition; Lots 1-10, Heritage Hills Addition; Tracts 1D1, 1D, 1B2, 1B1, 1F, 1G, and 1H, in the McKinney & Williams Survey Abstract Number 1118; Lots 2, 6, 7, 8, and 9, Triangle Addition

LOCATION: Planning Area "A", north side of Chapin Road from Williams Road to Boston Avenue, north and south sides of Longford Street, Lifford Street, Carrick Street, and Bangor Drive from Williams Road to Boston Avenue, north side of Bangor Drive from Boston Avenue to Westerly Road, north and south sides of Rush Street from Boston Avenue to Westerly Road, 3520 – 3536 Westerly Road, west side of Williams Road from Camp Bowie West Boulevard to Chapin Road, east and west sides of Boston Avenue from Camp Bowie West Boulevard to Bangor Drive, south side of Camp Bowie West Boulevard from Williams Road west to city limit, 3600 Boston Avenue, 8000 Ferndale Drive, 8000 – 8005 Northbrook Drive, 8000 – 8013 Westvale Drive, and 3808 Williams Road, 3800 – 3839 Coates Circle, 7701, 7709, 7713, and 7833 Chapin Road and 3823, 3837, and 3853 Williams Road, 4734 – 4850 U.S. Highway 377, South

APPLICANT: City of Benbrook

CURRENT ZONING:

"CF-PD" Community Facilities Planned Development, "CF" Community Facilities, "A" One Family District, "C" Multiple Family District, "D-PD" Multiple Family Planned Development District, "D" Multiple Family District, "E-PD" Commercial Planned Development District, "F-PD" Commercial Planned Development District, "F" Commercial District, and "HC" Highway Corridor District

PROPOSED ZONING:

"NAS" Overlay District, applied to existing underlying zoning district classifications

OWNER'S: "A" ONE FAMILY DISTRICT

Boston Heights Addition

Block	Lot	Property Address	Owner
1	1	8020 Chapin Road	Tiffany Thrower
1	2	8016 Chapin Road	Beverly Ann Guidry
1	3	8012 Chapin Road	Louis & Von B. Panzino

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

DATE: 11/20/08	REFERENCE NUMBER: PZ-2008-12	SUBJECT: Adopt Ordinance rezoning various properties to apply "NAS" (Naval Air Station) Overlay District Zoning Classification to the existing underlying zoning district classifications of each property	PAGE: 2 of 9
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1	4	8008 Chapin Road	Amalia Delgadillo
1	5	8004 Chapin Road	Daniel & Julie Krivoshia
1	7	8021 Longford Street	Joe H. Lobley
1	8	8017 Longford Street	Willie C. & Ola M. Langley
1	9	8013 Longford Street	Fredrick J. Nunley
1	10	8009 Longford Street	Dennis H. & Diana K. Helms
1	11R	8005 Longford Street	Rex K. & Margie S. Murphy
2	1	8020 Longford Street	Julio & Maria Lozoya
2	2	8016 Longford Street	Melvin L. & Margaret Lewis
2	3	8012 Longford Street	Linda G. Archer
2	4	8008 Longford Street	Andrea Sue Drakeford
2	7	8025 Lifford Street	M.T. Shrout Jr.
2	8	8021 Lifford Street	Christine D. Turner
2	9	8017 Lifford Street	Michael D. & Marilyn R. Tonn
2	10	8013 Lifford Street	H.B. & Carol Garland
2	11	8009 Lifford Street	Ila Abshire Lockert
3	1	8024 Lifford Street	Charlotte F. Hall
3	2	8020 Lifford Street	English Rose Homes
3	3	8016 Lifford Street	Robert T. Fairclo
3	4	8012 Lifford Street	Ronald Q. Jennett
3	5	8008 Lifford Street	David R. & Mary Clark
3	6	8004 Lifford Street	James D. Geddie
3	8	8029 Carrick Street	Jyh-Chyuan Yang
3	9	8025 Carrick Street	Manuel & Veronica Saenz
3	10	8021 Carrick Street	Amanda J. Burleson
3	11	8017 Carrick Street	Debra Faye Martin
3	12	8013 Carrick Street	Jack T. Umberson
3	13	8009 Carrick Street	Song I & Pyong Suk Tirol
4	1	8028 Carrick Street	Steven Dennis Lewsader
4	2	8024 Carrick Street	Fidela A. Patino
4	3	8020 Carrick Street	Kenneth Roy Sanders
4	4	8016 Carrick Street	John C. & Ruth L. Gilbert
4	5	8012 Carrick Street	Betty J. Kuenz
4	6	8008 Carrick Street	Todd & Deborah Brookshier
4	9	8033 Bangor Drive	James K. & Dorothy S. Donley
4	10	8029 Bangor Drive	John A. Ocone
4	11	8025 Bangor Drive	Rex W. & Sadie C. Moore
4	12	8021 Bangor Drive	Peter Jeffery Brunz
4	13	8017 Bangor Drive	Angela Q. Eason
4	14	8013 Bangor Drive	Wanda Faye Beltram
4	15	8009 Bangor Drive	E.M. Parten
5	5	8016 Bangor Drive	James W. Norris
5	6	8012 Bangor Drive	Dorothy M. Steele
5	7	8008 Bangor Drive	Richard & Judith Garrett
5	N	8032 Bangor Drive	Richard C. & Evelyn Hardin
5	P	8020 Bangor Drive	Danny & Debbie Pryor
5	Q	8024 Bangor Drive	Brian & Sheri Crummey
6	A	8113 Rush Street	Dorothy Lou Shrider
6	B	8117 Rush Street	Barbara B. Moore
6	C	8125 Rush Street	Glen E. Lewis

DATE: 11/20/08	REFERENCE NUMBER: PZ-2008-12	SUBJECT: Adopt Ordinance rezoning various properties to apply "NAS" (Naval Air Station) Overlay District Zoning Classification to the existing underlying zoning district classifications of each property	PAGE: 3 of 9
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6	D	8129 Rush Street	Maria Evelia Bernardino
6	E	8109 Rush Street	George J. Komechak
6	F	8101 Rush Street	Addline Ream
6	G	8128 Bangor Drive	Sue M. Reaver
6	H	8124 Bangor Drive	Thomas L. & Alene Redwine
6	J	8120 Bangor Drive	Gwendolyn White
6	K	8116 Bangor Drive	Margarita Mohr
6	L	8104 Bangor Drive	James J. & Wilma L. Perry
6	M	8100 Bangor Drive	Jon David & Patricia Beck
6	6	8112 Bangor Drive	Murl R. Richardson
6	10	8133 Rush Street	Jerry H. & Rae E. Noonan
7	1	8132 Rush Street	Robert G. Hajovsky
7	2	8128 Rush Street	Milton Davis
7	3	8124 Rush Street	Hazel A. Lewis
7	4	8120 Rush Street	Jack G. & Debra Abercrombie
7	5	8118 Rush Street	Robert L. Perez
7	6	8112 Rush Street	Robert A. & Beverly Brandon
7	7	8108 Rush Street	C.L. & Janice M. Humphus
7	8	8104 Rush Street	Francisco Hernandez
7	9	8100 Rush Street	Barbara L. Brennan
8	1	3536 Westerly Road	Joseph V. & Diane Sambor
8	2	3532 Westerly Road	Steven & Sandra Mayfield
8	3	3528 Westerly Road	John M. Hassler Jr.
8	4	3524 Westerly Road	Paul L. Pearson
8	5	3520 Westerly Road	James A. Tolbert

Westvale Addition

Block	Lot	Property Address	Owner
7	1	8000 Ferndale Drive	Donna K. Beauchamp
7	16	8005 Northbrook Drive	Kenneth & Denise McCormick
7	17	8001 Northbrook Drive	Pamela A. Wiley
8	1	8000 Northbrook Drive	Johnnie F. Carter
8	15	8013 Westvale Drive	Rosina G. Herrmann
8	16	8009 Westvale Drive	Tommy J. Barden
8	17	8001 Westvale Drive	Jose & Rosa B. Villegas
8	18	8001 Chapin Road	George W. & Ann Slover
8	2A & 2B	8004 Northbrook Drive	Richard A. & Cynthia Ellis
8	19	3808 Williams Road	Erica & Jacob Dunn
9	1	8000 Westvale Drive	Margo S. Norstrud

McKinney & Williams Survey Abstract Number 1118

Tract	Property Address	Owner
1D01	7701 Chapin Road	William & Helen Pearson Est.
1F	3823 Williams Road	Michael & Cynthia Smoot
1H	3837 Williams Road	Alta C. Summerville
1J	3853 Williams Road	Joseph W. Rankin

"C" MULTIPLE FAMILY DISTRICT

Boston Heights Addition

Block	Lot	Property Address	Owner
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2	5	8004 Longford Street	Johnnie M. Wright
2	12	8003 Lifford Street	Deymond M. Stephens
3	6	8004 Lifford Street	James D. Geddie
3	14	8005 Carrick Street	Edsel & Eli Mora Tirol
4	7	8004 Carrick Street	Sue A. Mounce Reaver
4	16	8005 Bangor Drive	E.M. Parten
5	8	8004 Bangor Drive	Craig M. Campbell

McKinney & Williams Survey Abstract Number 1118

1B2	7713 Chapin Road	Margaret M. Cutrer
1D	7709 Chapin Road	Margaret M. Cutrer

"D" MULTIPLE FAMILY DISTRICT

Heritage Hills Addition

Block	Lot	Property Address	Owner
	1	3800 Coates Circle	Miguel Ramirez
	2	3808 Coates Circle	The Verdun Group LP
	3	3816 Coates Circle	Divyesh & Alpa Bhagat
	4	3824 Coates Circle	Garvin Smith
	5	3832 Coates Circle	Jamie L. & Minette Sellung
	6	3833 Coates Circle	Jorge & Eunice Iraheta
	7	3825 Coates Circle	Damien M. Adams
	8	3817 Coates Circle	Catherine Shannon
	9	3815 Coates Circle	Lavern & Judy A. Wegner
	10	3801 Coates Circle	Michael E. Moore

McKinney & Williams Survey Abstract Number 1118

1B01	7833 Chapin Road	Brock Hargrove
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"D – PD" MULTIPLE FAMILY PLANNED DEVELOPMENT DISTRICT

Boston Heights Addition

B1	3510 Boston Avenue	NMV Inc.
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"E – PD" COMMERCIAL PLANNED DEVELOPMENT DISTRICT

Boston Heights Addition

Block	Lot	Property Address	Owner
	C3	3520 Williams Road	The Courtney Trust
	C4	3516 Williams Road	The Courtney Trust
	C5	3514 Williams Road	The Courtney Trust
	C6	3512 Williams Road	The Courtney Trust
	C7-C11	13502 Williams Road	The Courtney Trust
	C12	3500 Williams Road	The Courtney Trust
	C13	3454 Williams Road	William W. Horn
	C14	3452 Williams Road	William W. Horn
	C15	3450 Williams Road	The Courtney Trust
	C16	3448 Williams Road	The Courtney Trust
	C17	3446 Williams Road	The Courtney Trust

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	C18	3440 Williams Road	The Courtney Trust
	C19	3442 Williams Road	The Courtney Trust
	C20	3440 Williams Road	The Courtney Trust
	C21	3438 Williams Road	The Courtney Trust
	C22	3436 Williams Road	The Courtney Trust
1	6R	8000 Chapin Road	Apex Vision Investments LLC
2	6	8000 Longford Street	A.H. & Gloria Cummings
2	13	8001 Lifford Street	Isabelle Smith Cornelius
3	7	8000 Lifford Street	JJE Properties Ltd.
3	15	8001 Carrick Street	Gloria J. Spradley
4	8	8000 Carrick Street	Ronald B. & Pamela A. Devoe
4	17	8001 Bangor Drive	E.M. Parten
5 9		3530 Williams Road	The Courtney Trust

Triangle Addition

1	8A	4734 U.S. Hwy. 377	William Hull Partnership
1	9A	4762 U.S. Hwy. 377	William Hull Partnership
1	9A1	4750 U.S. Hwy. 377	William Hull Partnership
1	9B	4784 U.S. Hwy. 377	William Hull Partnership
1	9C	4784 U.S. Hwy. 377	William C. & William B. Hull

"F" COMMERCIAL DISTRICT

Boston Heights Addition

Block	Lot	Property Address	Owner
	B2	8101 Camp Bowie W.	Stanley Spigel
	C1B	7921 Camp Bowie W.	Stanley Spigel
	C1D	7917 Camp Bowie W.	Stanley Spigel
	C1C	7927 Camp Bowie W.	Stanley Spigel
	C1J	7913 Camp Bowie W.	Stanley Spigel
	C2	3522 Williams Road	Mark & Tammie G. Shields
	C2 & C1K	7901 Camp Bowie W.	Jensen Center Ltd.

Jack In The Box Addition

1	1	7901 Camp Bowie W.	George J. & Shirley J. Jones
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Martinez Addition

1	1	7905 Camp Bowie W.	John Manuel Martinez
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"F – PD" COMMERCIAL PLANNED DEVELOPMENT DISTRICT

Boston Heights Addition

Block	Lot	Property Address	Owner
	C1B1	3451 Boston Avenue	The Vinnedge Building LP
	CA	3451 Boston Avenue	The Vinnedge Building LP

Triangle Addition

1	6A	4840 U.S. Hwy. 377	Airco West Supply Company
1	6B	4798 U.S. Hwy. 377	William Hull Partnership
1	7A	4798 U.S. Hwy. 377	William Hull Partnership

DATE: 11/20/08	REFERENCE NUMBER: PZ-2008-12	SUBJECT: Adopt Ordinance rezoning various properties to apply "NAS" (Naval Air Station) Overlay District Zoning Classification to the existing underlying zoning district classifications of each property	PAGE: 6 of 9
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1	7B	4802 U.S. Hwy. 377	William Hull Partnership
1	9D	4814 U.S. Hwy. 377	William Hull Partnership
1	9F	4826 U.S. Hwy. 377	William Hull Partnership

"CF" COMMUNITY FACILITIES DISTRICT

Boston Heights Addition

Block	Lot	Property Address	Owner
	C1E	3526 Boston Avenue	Benbrook Water Authority
	C1H	3600 Boston Avenue	Fort Worth ISD
	C1H1	3526 Boston Avenue	Benbrook Water Authority

"CF – PD" COMMUNITY FACILITIES PLANNED DEVELOPMENT DISTRICT

Western Hills High School Addition

Block	Lot	Property Address	Owner
1	1	3600 Boston Avenue	Fort Worth ISD

"HC" HIGHWAY CORRIDOR DISTRICT

Triangle Addition

Block	Lot	Property Address	Owner
1	2	4844 U.S. Hwy. 377	DCDR Inc.

PLANNING REVIEW:

The City Planning staff has reviewed the rezoning application and offers the following:

1. The proposed addition of the "NAS" Overlay District classification to each of the existing zoning classifications on the subject properties is being initiated by the City. The configuration of the "NAS" Overlay District is the average day-night 65 decibel noise contour resulting from aircraft operations at the Naval Air Station Fort Worth Joint Reserve Base.

The Z – 08 – 06 rezoning applies the overlay district to the current underlying zoning district classification of the subject properties. The application of the overlay district does not change uses, setbacks, heights, and other regulations of the underlying districts. The overlay district does not require any changes or alterations to any established uses or structures. The overlay district does effect future construction with the requirement of design and materials to reduce the impact of the noise level inside new structures, residential and schools in particular.

2. The "NAS" Overlay District was added to the Zoning Ordinance text in April 2008, to provide for uses that are compatible with the aircraft operations at the Naval Air Station and to avoid incompatible or conflicting land uses. The inclusion of the overlay district in the Zoning Ordinance is in accordance with recommendations presented in the Joint Land Use Study Report accepted by the City Council in December 2007. Development of the Joint Land Use Study was in cooperation with the Joint Land Use Study Policy Committee that included representatives from the cities of Benbrook, Fort Worth, White Settlement, Lake Worth, Westworth Village, and River Oaks, as well as Tarrant County, the Department of Defense, the Naval Air Station, Lockheed Martin, North Central Texas Council of Governments, and the Chambers of Commerce of Benbrook and Fort Worth.

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3. Included in the Benbrook Comprehensive Plan is Section 3 – Factors Influencing the Comprehensive Plan. Within Section 3, Subsection 3.1 – Environmental Constraints, includes paragraph 3.1.4 – Noise, and begins noting that “Excessive noise can be a limitation to urban development” and further cites aircraft from the Naval Air Station as a major source of ambient noise in Benbrook. Paragraph 3.1.4 notes that noise standards have been established by the U.S. Department of Housing and Urban Development for residential uses and levels less than 65 decibels are considered generally acceptable for residential uses. External noise levels of 65 to 75 decibels are considered normally unacceptable, and HUD generally recommends additional sound attenuation for buildings for noise sensitive uses in these areas, and areas above 75 decibels should be restricted to nonsensitive uses, such as commercial or industrial. Using the configuration of the 65 decibel noise contour for the application of the “NAS” Overlay District, the proposed rezoning is compatible with the Comprehensive Plan.

4. Two vacant lots are located on the south side of Bangor Drive (8005 and 8009), Lots 15 and 16 in Block 4 of Boston Heights. Lot 15 is zoned “A” One Family District and Lot 16 is zoned “C” Multiple Family District. A 10.5-acre vacant site located on the west side of Boston Avenue (3510) is zoned “D-PD” Multiple Family Planned Development District. Each of the three properties is eligible for new residential construction subject to sound attenuation design.

RECOMMENDATION:

It is recommended that the Planning and Zoning Commission recommend that the City Council approve the Z – 08 – 06, rezoning of the subject properties with the addition of the “NAS” Overlay District to the current underlying zoning district classification of each property.

* * * * *

**UNAPPROVED MINUTES
PLANNING AND ZONING COMMISSION
OCTOBER 9, 2008**

Z – 08 – 06 Consider rezoning of Blocks 1, 2, 3, 4, 5, 6, 7, and 8, and Tracts B1 and B2, Tracts CA, C1B, C1B1, C1C, C1D, C1E, C1H, C1H1, CIJ, C1K, and C2 – C22, Boston Heights Addition; Lot 1, Jack In The Box Addition; Lot 1, Martinez Addition (north side of Chapin Road from Williams Road to Boston Avenue, north and south sides of Longford Street, Lifford Street, Carrick Street, and Bangor Drive from Williams Road to Boston Avenue, north side of Bangor Drive from Boston Avenue to Westerly Road, north and south sides of Rush Street from Boston Avenue to Westerly Road, 3520 – 3536 Westerly Road, west side of Williams Road from Camp Bowie West Boulevard to Chapin Road, east and west sides of Boston Avenue from Camp Bowie West Boulevard to Bangor Drive, south side of Camp Bowie West Boulevard from Williams Road west to city limit); Lot 1, Block 1, Western Hills High School Addition (3600 Boston Avenue); Lots 1, 16, and 17, Block 7, Lots 1, 2, 15, 16, 17, 18, and 19, Block 8, and Lot 1, Block 9, Westvale Addition (8000 Ferndale Drive, 8000 – 8005 Northbrook Drive, 8000 – 8013 Westvale Drive, and 3808 Williams Road); Lots 1-10, Heritage Hills Addition (3800 – 3839 Coates Circle); Tracts 1D1, 1D, 1B2, 1B1, 1F, 1G, and 1H, in the McKinney & Williams Survey Abstract Number 1118 (7701, 7709, 7713, and 7833 Chapin Road and 3823, 3837, and 3853 Williams Road); Lots 2, 6, 7, 8, and 9, Triangle Addition (4734 – 4850 U.S. Highway 377, South) to apply “NAS” (Naval Air Station) Overlay District zoning classification to the existing underlying zoning district classification of each property.

The Chair introduced the item and asked for a presentation from the applicant.

DATE: 11/20/08	REFERENCE NUMBER: PZ-2008-12	SUBJECT: Adopt Ordinance rezoning various properties to apply "NAS" (Naval Air Station) Overlay District Zoning Classification to the existing underlying zoning district classifications of each property	PAGE: 8 of 9
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Ed Gallagher said the Z-08-06 rezoning consideration is to establish the geographical boundaries of the recently established "NAS" Overlay District zoning classification. The regulatory text of the Zoning Ordinance for the "NAS" Overlay District was approved by the City Council last April and the current proposition is to apply the overlay district to the appropriate areas of the zoning map.

Mr. Gallagher said the City is the applicant in the rezoning to add the "NAS" Overlay District to the portions of Planning Area "A" in North Benbrook. There are numerous owners of the residential, commercial, and institutional properties involved.

In the text of the Zoning Ordinance, the "NAS" Overlay District includes the areas affected by the average day-night 65 decibel noise contour resulting from aircraft operations at the Naval Air Station Fort Worth Joint Reserve Base. Mr. Gallagher said the configuration of the 65 decibel contour generates the boundaries of the district on the zoning map. The overlay district is added to the underlying zoning classification of the properties that regulates uses, setbacks, and other typical zoning specifications. The overlay district does not require any changes or alterations to any established uses or structures but does affect future construction regarding design and materials to reduce the noise level impact inside new structures, particularly dwellings and schools.

Mr. Gallagher said the "NAS" Overlay District was established to provide for uses that are compatible with the aircraft operations at the Naval Air Station and to avoid incompatible, or conflicting land uses; and follows recommendations in the Joint Land Use Study Report that was accepted by the City Council last December. He said the Study followed the work of the Joint Land Use Study Policy Committee that included representation from Benbrook, Fort Worth, White Settlement, Lake Worth, Westworth Village, and River Oaks along with Tarrant County, the Defense Department, the Naval Air Station, Lockheed Martin, and the North Central Texas Council of Governments.

In the Comprehensive Plan, excessive noise is recognized as an environmental constraint that can be a limitation to urban development and that flight operations at the Naval Air Station are a major source of ambient noise. Mr. Gallagher said the Plan also notes that noise standards established by the Department of Housing and Urban Development indicate that levels less than 65 decibels are generally acceptable for residential uses and levels above 65 decibels are normally considered unacceptable and sound attenuation is recommended for buildings housing sensitive uses. The establishment of the overlay district and the current rezoning consideration are both compatible with the Plan.

Mr. Gallagher said Staff recommends that, after holding a public hearing, the Planning and Zoning Commission recommend that the City Council approve the Z-08-06 rezoning of the subject properties with the addition of the "NAS" Overlay District to the current underlying zoning district classification of each property.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:37 p.m. and asked if anyone wished to speak for or against the item.

Mr. George Komechak, 8109 Rush Street, asked what the "NAS" Overlay District overlay zoning means to him and his property and all existing homes in the area.

Mr. Gallagher said the overlay does not affect the homes as they stand today. He said if any of the homes were to burn or incurs extensive damage and has to be rebuilt, the reconstruction would have to be designed and use materials to reduce the noise level impact inside the new structures.

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Mr. Komechak said there have been several developers over the past years that discussed building apartments on the vacant property north of Western Hills High School, between the school and the strip center on Camp Bowie West Boulevard. He asked if apartments were built, would the overlay zoning require additional noise attenuation to be accepted. Mr. Gallagher said that was correct.

Tony Cummings, 3801 Palomino Drive, said he owns 8000 Longford Drive and he wanted to know what the decibel levels were of the old B-58s.

Mr. Gallagher said he did not know the levels but it was a lot more intense than it is now and had a greater impact on Benbrook and the entire west side of Tarrant County.

The Chair asked if anyone else wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:45 p.m. and asked for any comments, questions, or a motion from the Commission.

Mr. Wilson said for clarification, existing buildings would not be impacted by the overlay zoning but new buildings would be impacted. He said the existing building energy codes generally cover the sound attenuation needed to comply with the zoning.

Motion by Mr. Valverde that the Planning and Zoning Commission recommend the City Council approve the Z – 08 – 06 rezoning of the subject properties with the addition of the "NAS" Overlay District to the current underlying zoning district classification of each property. Second by Mr. Pesce. The Chair called the question.

Vote on the Motion:

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

Noes: None

Motion carried 8 – 0

Mr. Gallagher said the City Council would consider the item at their November 20, 2008 meeting.

ATTACHMENTS

MAP 1

MAP 2



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 11/20/08	REFERENCE NUMBER: G-1821	SUBJECT: Interlocal Agreement with City of Fort Worth for Rabies Control Services	PAGE: 1 of 1
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HISTORY

In 1999, the City of Benbrook entered into an agreement with the City of Fort Worth for the processing, shipping and testing of suspected rabid animals. When services are needed, specimens are transported to the City of Fort Worth Animal Control Office for the packing and shipping of the specimen to the laboratory. The results are returned directly to the Benbrook Animal Control Officer. This annual interlocal agreement is written on a per case basis with no additional costs. The 2008-2009 contract fee is \$100 per animal.

RECOMMENDATION

Staff recommends that City Council approve the 2008-2009 interlocal agreement between the City of Benbrook and the City of Fort Worth for rabies testing.

ATTACHMENT

Interlocal 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: 11/20/2008	REFERENCE NUMBER: P-256	SUBJECT: Purchase Police Vehicles	PAGE: 1 of 1
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HISTORY

In the 2008/2009 Budget, City Council approved \$133,445 for the purchase of five (5) 2009 police package patrol vehicles.

BIDS RECEIVED

Through cooperative purchasing programs, the City received bids from Tarrant County Cooperative Joint Venture, Buyboard, and Houston-Galveston Council of Governments. The bids include the cost of a 3-year/75,000 mile premium care extended warranty (normally purchased for the new police vehicles) and all purchasing fees.

1. 2009 Police Package Vehicles – Five (5)

	<u>Make/Model</u>	<u>Cost/Unit</u>	<u>Total</u>
Tarrant County Cooperative Joint Venture	Ford Crown Victoria	\$25,609.60	\$128,048
Buyboard	Ford Crown Victoria	\$25,743.60	\$128,718
Houston/Galveston Council of Governments	Ford Crown Victoria	\$27,274.49	\$136,372.45

BID ANALYSIS

Tarrant County Cooperative Joint Venture provided the lowest bid at \$128,048, which is \$5,397 under the approved budget.

RECOMMENDATION

Staff recommends that the City Council approve the purchase of five (5) 2009 police package vehicles from the low bidder, Tarrant County Cooperative Joint Venture, in the total amount of \$128,048. Four (4) vehicles, in the amount of \$102,438.40, will be charged to account number 01-31-03-5433 and the remaining vehicle, in the amount of \$25,609.60, will be charged to the Narcotics account.

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

Get Fit Benbrook! is a community wellness initiative designed to encourage Benbrook residents to participate in an active, healthier lifestyle. The City of Benbrook is partnering with the Benbrook Community Center/YMCA to promote regular exercise, good nutrition, healthy weight loss, and a more fit City.

Obesity in our country has reached epidemic proportions. Health concerns associated with obesity and a sedentary lifestyle include diabetes, heart disease, and certain cancers. Many Benbrook residents may share a desire to shed unwanted holiday pounds, increase their activity level, or simply feel better. This program is intended to help residents reach their wellness goals at their own pace, with the encouragement of the fitness community.

Benbrook residents enjoy an abundance of recreational amenities such as bike, running and walking trails, sports opportunities, a golf course, several well-maintained parks for outdoor activity, and an active YMCA facility. The ***Get Fit Benbrook!*** Program will encourage individuals and groups to take full advantage of our local amenities.

A ***Get Fit Benbrook!*** website is being created to track individual and citywide progress as we reach a community weight loss goal of **one ton** (2,000 pounds) during the 2009 calendar year. This is a free and confidential program for all Benbrook residents. For those interested, the Benbrook Community Center/YMCA has agreed to waive all YMCA joining fees for individuals who register with the ***Get Fit Benbrook!*** program. While healthy weight loss can be important, the overriding goal of the program is to encourage a more fit City. The website will provide free tips and recipes, information on upcoming events/activities, success stories, and links to special programs and YMCA resources, and motivation from those who share the goal of wellness.