

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, DECEMBER 4, 2008
911 WINS COTT 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 Jeff Klingenberg with High Ridge Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

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

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Receive and accept resignation from James Wood, Place 2 Tax Increment Finance Board of Directors

V. REPORTS OF CITY MANAGER

A. GENERAL

G-1822 Authorize Agreement with LaBandera Phase 1 & 2 Home Owners Association for detention pond maintenance

G-1823 Authorize Agreement with LaBandera Phase 3 Home Owners Associations for detention pond maintenance

VI. 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.

VII. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
NOVEMBER 20, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, November 20, 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
Cathy Morris, Public Involvement Director
Dawn Konieczny, Police Administrative Manager
David Babcock, Assistant Police Chief
Wayne Carlisle, Chief Building Inspector

Others Present:

Ed Gallagher, City Planner
Kathleen Wells, City Attorney
Bill Smith
Rachel Wiggins, NCTCOG Representative
Ron Rainey, EDC Director
Carroll Crombie, EDC Chairman
Janet Powers, EDC Director
Steve White, EDC Director
Sandy Davis, EDC Director
Dwight Heard, EDC Attorney
and 2 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 Councilmember Mark Washburn.
The Pledge of Allegiance was recited.

III. MINUTES

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

Motion by Mr. Allison, seconded by Mr. Bailey to approve the minutes of the regular meeting held November 6, 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY MAYOR AND COUNCILMEMBERS

1. Reschedule January 1, 2009 regular City Council meeting

Motion by Mr. Sauma, seconded by Mr. Washburn to reschedule the January 1, 2009 regular City Council meeting until Tuesday, January 6, 2009.

Vote on the Motion:

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

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, C1J, 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.

Dave Gattis gave the following report: The 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 “NAS” Overlay District was approved by City Council last April and the current proposition is to apply the overlay district to the appropriate areas on the zoning map.

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

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. The overlay district is added to the underlying zoning classification of the property that regulates uses, setbacks, and other typical zoning specifications. The overlay district does not require any changes or alternations 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.

The “NAS” Overlay District is compliant with the Energy Code and meets noise limits in most cases. The “NAS” Overlay District does not affect existing homes, buildings or uses. Any projects under review by the City must be allowed to continue as provided by State law. There is currently one development in this process that is proposing condo type apartments and single family homes.

Mayor Dittrich opened the public hearing at 7:44 p.m.

Ms. Rosina Herrmann questioned if there were two separate developments under review. Mr. Gattis stated it was only the one development which includes the two type’s structures.

Mayor Dittrich closed the public hearing at 7:45 p.m.

Motion by Mr. Allison, seconded by Mr. Sauma to rezone the subject properties to add the “NAS” Overlay District to the current underlying zoning district classification of each property.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1278 being **“AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY CHANGING THE ZONING CLASSIFICATION 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, C1J, C1K, AND C2 - C22, BOSTON HEIGHTS ADDITION; LOT 1, JACK IN THE BOX ADDITION; LOT 1, BLOCK 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, 1D1B2, 1B1, 1F, 1H AND 1J IN THE MCKINNEY & WILLIAMS SURVEY ABSTRACT NUMBER 1118; AND LOTS 2, 6, 7, 8, AND 9, BLOCK 1, TRIANGLE ADDITION; FROM “CF-PD” COMMUNITY FACILITIES PLANNED DEVELOPMENT DISTRICT, “CF” COMMUNITY FACILITIES DISTRICT, “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, RESPECTIVELY, BY APPLYING THE “NAS” OVERLAY DISTRICT TO THE EXISTING UNDERLYING ZONING DISTRICT CLASSIFICATIONS OF SUCH PROPERTY; AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

Ordinance No. 808, as amended, is hereby amended by applying the “NAS” Overlay District zoning regulations to the underlying zoning district classifications of the following properties in the City of Benbrook, Tarrant County, Texas, which underlying zoning district classifications are shown below:

A. “A” One Family District

Lots 1-5, 7-10 and 11R, Block 1; Lots 1-4, and 7-11, Block 2; Lots 1-6, and 8-13, Block 3; Lots 1-6 and 9-15, Block 4; Lots 5-7, N, P and Q, Block 5; Lots A-M, 6, and 10, Block 6; Lots 1-9, Block 7, and Lots 1-5, Block 8, Boston Heights Addition;

Lots 1, 16, and 17, Block 7; Lots 1, 2A, 2B, 15, 16, 17, 18, and 19, Block 8; and Lot 1, Block 9, Westvale Addition; and

Tracts 1D1, 1F, 1H and 1J, McKinney & Williams Survey Abstract Number 1118.

- B. “C” Multiple Family District
 Lots 5 and 12, Block 2; Lots 6 and 14, Block 3; Lots 7 and 16, Block 4; and Lot 8, Block 5, Boston Heights Addition; and
 Tracts 1B2 and 1D, McKinney & Williams Survey Abstract Number 1118.
- C. “D” Multiple Family District
 Lots 1-10, Heritage Hills Addition; and
 Tract 1B1, McKinney & Williams Survey Abstract Number 1118.
- D. “D – PD” Multiple Family Planned Development District
 Tract B1, Boston Heights Addition
- E. “E – PD” Commercial Planned Development District
 Tracts C2-C22; Lot 6R, Block 1; Lots 6 and 13, Block 2; Lots 7 and 15, Block 3; Lots 8 and 17, Block 4; and Lot 9, Block 5, Boston Heights Addition; and
 Lots 8A, 8B, 9A, 9A1, 9C and 9E, Block 1, Triangle Addition.
- F. “F” Commercial District
 Tracts B2, C1B, C1D, C1C, C1J, C2, and C1K, Boston Heights Addition;
 Lot 1, Block 1, Jack in The Box Addition; and
 Lot 1, Block 1, Martinez Addition.
- G. “F-PD” Commercial Planned Development District
 Tracts C1B1 and CA, Boston Heights Addition; and
 Lots 6A, 6B, 7A, 7B, 9B, 9D and 9F, Block 1, Triangle Addition
- H. “CF” Community Facilities District
 Lots C1E, C1H, C1H1, Boston Heights Addition.
- I. “CF – PD” Community Facilities Planned Development District
 Lot 1, Block 1, Western Hills High School Addition.
- J. “HC” Highway Corridor District
 Lot 2, Block 1, Triangle Addition.

The above properties and the boundaries of the “NAS” Overlay District are depicted on Exhibit “A” which is attached hereto and made a part hereof by reference; provided, however, that when only part of a platted lot or an unplatted tract of land is shown to be in the “NAS” Overlay District, the entire area of such lot or tract shall be deemed to be in the District. If any such unplatted tract of land is subsequently subdivided into two or more lots by an approved subdivision plat, and any of the platted lots are located entirely outside the “NAS” Overlay District,

the District shall be automatically revised by the approval and recording of such plat to exclude those lots with no further zoning action required.

The location of the "NAS" Overlay District in the City of Benbrook is generally described as follows:

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 the city limit; 3600 Boston Avenue; 800 Ferndale Drive; 8000-8005 Northbrook Drive; 8000-8013 Westvale Drive, 3808 Williams Road; 3800-3839 Coates Circle; 7701, 7709, 7713, and 7833 Chapin Road; 3823, 3837, and 3853 Williams Road; and 4734 – 4850 U.S. Highway 377, South.

SECTION 8

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

VI. REPORT OF CITY MANAGER

A. GENERAL

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

David Babcock gave the following report: 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. The annual Interlocal agreement is written on a per case basis with no additional costs. The 2008-2009 contract fee is \$100 per animal.

Motion by Tully, seconded by Mr. Washburn to approve the 2008-2009 Interlocal agreement between the City of Benbrook and the City of Fort Worth for rabies testing as presented by staff.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. PURCHASE

P-256 Purchase Police Vehicles

Dawn Konieczny gave the following report: In the 2008-2009 budget, City Council approved \$133,445 for the purchase of five (5) 2009 police package patrol vehicles.

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 and all purchasing fees.

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

Four (4) vehicles in the amount of \$102,438.40 will be charged to account number 01-3103-5433 and the remaining vehicle, in the amount of \$25,609.60, will be charged to the Narcotics account.

Motion by Mr. Allison, seconded by Mr. Tully to approve the purchase of five (5) 2009 police package vehicles from the low bidder, Tarrant County Joint Venture, in the amount of \$128,048.00 as presented by staff.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. STAFF BRIEFING

1. Get Fit Benbrook Program

Cathy Morris gave the following report: The Get Fit Benbrook program is a great way to get out and enjoy local recreational amenities. The program encourages residents to maintain an active and healthy lifestyle. Individual and citywide progress will be tracked as the program reaches a community weight loss goal of one-ton (2,000 pounds). The program is free to Benbrook residents and provides tools, tips and resources. In partnership with the program the Benbrook Community Center/YMCA will waive joining fees. Additional information will be forthcoming to residents with a start up date of January 1, 2009.

2. Mutual Aid to Galveston, Texas – Providing Building Inspection Services

Wayne Carlisle gave an overview of the damage experienced in Galveston by Hurricane IKE. In a cooperative effort, numerous building inspectors through the

State provided mutual aid to Galveston by providing necessary building inspections to insure a safe recovery.

VIII. INFORMAL CITIZEN COMMENTS

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 which the duty of the attorney to the City Council under Texas Disciplinary Rules of professional Conduct of the State Bar of Texas conflict with Chapter 551 of the Government Code

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

Mayor Dittrich recessed the regular City Council meeting at 8:16 p.m. to conduct a Joint Executive Session with the Benbrook Economic Development Board of Directors.

X. RECONVENE INTO REGULAR SESSION

1. Necessary action from Executive Session

Mayor Dittrich reconvened the regular meeting at 9:35 p.m. No action was taken from the Executive Session.

XI. ADJOURNMENT

Meeting adjourned at 9:36 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

James S. Wood
5525 La Bandera Trail
PO Box 26995
Benbrook, Texas 76126
817-271-9854

November 20, 2008

Ms. Joanna King
City Secretary
911 Winscott Road
Benbrook, Texas 76126

Re: Tax Increment Finance Board

Dear Ms. King,

Please let this letter serve as notice of my resignation from Place 3 on the Tax Increment Finance Board, effective Monday, November 24, 2008. I am relocating to California and will not be able to complete my two-year term on this board. I wish the City of Benbrook well in all future endeavors and am grateful for the time I was afforded living in this fine city.

Sincerely,

A handwritten signature in black ink, appearing to read "James S. Wood". The signature is written in a cursive style with a large, looping initial "J".

James S. Wood



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 12/04/08	REFERENCE NUMBER: G-1822	SUBJECT: Authorize agreement with La Bandera Phase 1 & 2 Home Owners Association for detention pond maintenance	PAGE: 1 of 1
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When the La Bandera Phase 1 and 2 subdivision was built in 2003, a detention pond was required to reduce the amount of peak flow leaving the site downstream. Under the regulations in effect at that time, the Home Owners Association (HOA) was responsible for maintenance and operation of the pond, and was required to collect and maintain funds for the repair and maintenance of the pond.

The City has since adopted the integrated Storm Water Management (iSWM) standards that will require most developments to build detention ponds to control both flooding and water quality.

In October 2007, the City established its Storm Water Utility that includes a monthly fee based on storm water runoff. While the storm water utility was established primarily for capital projects and debt service, the residents perceived that they were being billed twice (once by the Storm Water Utility and once by the HOA for pond maintenance and operation.)

In February 2008, the City Council authorized a revision to Administrative Regulation CD-4 to allow the City to assume maintenance responsibilities for certain detention ponds. This was done to reflect the fact that the City was now requiring many of these detention ponds, that the City was in a better position to perform the maintenance activities, and to resolve the perception of double-billing.

The proposed agreement provides that the City will maintain and mow the pond and make any necessary structural repairs. The HOA will be responsible for any additional landscape and ornamental maintenance above and beyond the City's obligation.

RECOMMENDATION

It is recommended that the City Council authorize the Mayor to execute the Agreement with La Bandera Phase 1 & 2 HOA to assume maintenance responsibilities for the detention pond and to release the HOA from financial assurance for the pond.

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: 12/04/08	REFERENCE NUMBER: G-1823	SUBJECT: Authorize agreement with La Bandera Phase 3 Home Owners Association for detention pond maintenance	PAGE: 1 of 1
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When the La Bandera Phase 3 subdivision was built in 2005, two detention ponds were required to reduce the amount of peak flow leaving the site downstream. Under the regulations in effect at that time, the Home Owners Association (HOA) was responsible for maintenance and operation of the ponds, and was required to collect and maintain funds for the repair and maintenance of the ponds.

The City has since adopted the integrated Storm Water Management (iSWM) standards that will require most developments to build detention ponds to control both flooding and water quality.

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The proposed agreement provides that the City will maintain and mow the pond and make any necessary structural repairs. The HOA will be responsible for any additional landscape and ornamental maintenance above and beyond the City's obligation.

RECOMMENDATION

It is recommended that the City Council authorize the Mayor to execute the Agreement with La Bandera Phase 3 HOA to assume maintenance responsibilities for the two detention ponds and to release the HOA from financial assurance for the ponds.

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