

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, MARCH 5, 2009
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 February 19 2009

IV. PROCLAMATION/AWARD/RECOGNITION

1. Proclamation – Texas Smartscape® Month
2. Proclamation – Poison Prevention Week

V. REPORTS OF PLANNING AND ZONING COMMISSION

PZ-2009-03 Adopt Ordinance vacating and abandoning any interest in a 722-square-foot strip in the C.H. Borden Survey Abstract A-243 and authorize the Mayor to execute a quitclaim deed

VI. REPORTS OF CITY MANAGER

A. CONTRACTS

C-242 Approve design contract with Schrickel Rollins and Associates for landscape architecture services for Benbrook Boulevard widening project

VII. 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.

VIII. ADJOURNMENT

WORKSESSION

1. Conduct Interviews with Candidates for Benbrook Economic Development Board of Directors position



**MINUTES
OF THE MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
FEBRUARY 19, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, February 19, 2009 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Keith Bailey
Rickie Allison
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
David Ragsdale, Comptroller
James Mills, Police Chief

Others Present:

Ed Gallagher, City Planner
Tommy Davis, Fire Chief
Bob Rowley, City Engineer
Bill Smith
Jim Wilson
Karen Barber
Jess Jordan
Joy and Bernie Graham
and two other citizens

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation was given by Mr. Bill Smith
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held February 5, 2009

Motion by Mr. Washburn, seconded by Mr. Bailey to accept the minutes of the regular meeting held February 5, 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2009-05 Accept resignation from Steve White, EDC Board of Directors and determine method to fill vacancy

Motion by Mr. Sauma, seconded by Mr. Allison to accept the resignation from Steve White, EDC Board of Directors and to direct staff to contact past applicants for EDC to schedule interview session.

Vote on the Motion:

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

Motion carries unanimously.

V. PROCLAMATION/AWARD/RECOGNITION

1. Proclamation – American Red Cross Month

Mayor Dittrich read a proclamation designation March as American Red Cross Month. Joy and Bernie Graham accepted the proclamation on behalf of the Chisholm Trail Chapter of the American Red Cross.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1834 Accept Financial report for month ending January 31, 2009

Mr. Ragsdale gave the following report: General Fund Revenues for the month of January totaled \$3,402,580. Property tax collections, as well as total collections, exceed the prior year's totals by \$764,782.

January General Fund Expenditures were 1,140,975. Year-to-date expenditures amounted to \$4,322,084. Through January, revenues exceed expenditures by \$3,682,692.

Investments were \$15,935,050 at January 31, 2009.

Motion by Mr. Allison, seconded by Mr. Sauma to accept the financial report for the month ending January 31, 2009 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1835 Accept Hotel/Motel Tax report for period ending December 31, 2008

Mr. Ragsdale gave the following report: The opening balance on October 1 was \$413,007 with Hotel/Motel Tax receipts of \$36,506. Heritage Fest 2008 receipts totaled \$652 and interest amounted to \$3,099.

Total expenses were \$49,320. The HMOT balance was \$404,943 at December 31, 2008.

Most of the money raised for Heritage Fest was in the prior year while most of the expenses (\$21,188) were in the current year. Heritage Fest actually had a small profit that will go into Heritage Fest 2009.

The Visitor Center had salaries and expenses totaling \$19,433.

VSA submitted expenses of \$722.

Motel 6 submitted \$7,978 in advertising expenses.

Motion by Mr. Allison, seconded by Mr. Washburn to approve the Hotel/Motel Tax report for the period ending December 31, 2008 and authorize staff to make the reimbursements requested.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1836 Adopt Resolution supporting Cities Aggregation Power Project (CAPP) Legislative Agenda

Mr. Ragsdale gave the following report: The City of Benbrook is a member of Cities Aggregation Power Project, Inc. (CAPP). The CAPP Board of Directors has voted to authorize certain legislative effort on behalf of its members during the 81st Texas Legislative Session.

The discussion is in regard to Senate Bill 7, the State's electric deregulation law that was adopted in 1999. The legislation expanded competition in the wholesale electricity market and opened the door to competition among electric retailers. Proponents of the legislation promised lower electric prices.

Unfortunately, the reality has been otherwise. Although Texans paid electric prices well below the national average during the decade before Senate Bill 7 was passed, customers in deregulated parts of the State now pay prices above the national average.

Legislative change is necessary to better protect cities' budgets, enhance cities' ability to protect their citizens, and increase competition among retail providers. The CAPP Board resolution proposes changes to current law.

Motion by Mr. Allison, seconded by Mr. Bailey to adopt resolution 2009-04 supporting Cities Aggregation Power Project Legislative Agenda.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution 2009-04 being **"A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES TO ENHANCE THE COMPETITIVE ELECTRIC MARKET SUPPORTED BY CITIES AGGREGATION POWER PROJECT, INC.**

G-1837 Recommend contractor for 34th Year Community Development Block Grant (CDBG) Project

Mr. Gattis gave the following report: City Council held a public hearing in January 2008 to consider projects for the 34th Year Community Development Block Grant (CDBG) project. The approved project is the construction of sidewalks and curb ramps on the west side of Usher Street from Childers Street to Cozby North Street, the east side of Bryant Street from Childers Street to Cozby North Street and the west side of Bryant Street from Childers Street to Davidson Street, in Benbrook Lakeside Addition.

Tarrant County opened bids for the project on February 4, 2009 and received 13 bids.

Procon Paving and Construction, Inc. bid \$61,400 for the project. The City's estimate for the project was \$78,460.

The City has not worked with Procon Paving and Construction, Inc. in the past. Staff checked references on Procon and did not receive any negative comments.

The City's allocation of funds for the 34th year is \$74,917. The City agreed to provide engineering for the project as matching funds. The low bid for the project is \$61,400.

Motion by Mr. Sauma, seconded by Mr. Allison to recommend that Tarrant County award the 34th Year Community Development Block Grant project in the amount of \$61,400 to Procon Paving and Construction, Inc.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. STAFF BRIEFING

1. Mobile Video Camera System

Chief Mills gave the following briefing: The Police Department purchased the first in-car video camera system in 1996. The cameras were initially installed only in supervisor's vehicles. By 2003, all patrol vehicles were equipped with the in-car camera system.

The camera systems were purchases in 2002 and 2003. The units are a VHS System truck mount. Problems with the VHS System include:

- Systems are out of warranty
- VCR and videotapes are susceptible to heat
- Storage, retrieval and disposal of videotapes is time consuming and unreliable
- Videotapes may fill up and stop recording during an incident
- Videos are often poor quality
- Videotapes are expensive
- Police Department has limited storage space for videotapes

The 2008-09 budget authorized the purchase of five (5) new camera systems to replace the aging VHS units. The systems were purchased from L-3 Mobile Vision and will be installed in all five (5) new patrol vehicles. The department plans to replace the remaining VHS Systems as new patrol units are purchased.

Features of the L-3 Mobile Vision include:

- Automatic wireless transfer
- Dedicated server
- GPS and radar interfaces
- DVD Robot for automated back-up of recordings and burn and label DVD's for easy storage and retrieval.

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 8:00 P.M. followed by a worksession to discuss policies for street closures and block parties.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/05/09	REFERENCE NUMBER: G-	SUBJECT: Adopt Ordinance vacating and abandoning a 722-square foot strip of land in the C. H. Borden Survey Abstract Number 243	PAGE: 1 of 2
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The Benbrook Water Authority is the owner of an approximately 4.499-acre site in the C. H. Borden Survey Abstract Number 243. The property is bounded by Old Benbrook Road on the south, Benbrook Boulevard/US Highway 377 on the west, the Union Pacific Railroad on the north, and Z. Boaz Park on the east.

BWA's initial acquisition occurred in 1975 with the purchase of the north 2.166 acres for a ground storage tank and pump station that was constructed in the 1980s to improve water service to the north Benbrook area. Ownership of the area south of the 2.166-acre BWA tank site continued to include five separate deed tracts and a strip of land commonly known as Sessums Place for which no apparent deed owner was established.

In 2002, the Benbrook Economic Development Corporation acquired most of the balance of the site south of the 2.166-acre BWA property to trade to the BWA for the Authority's interest in the old City Hall/Water Authority site on Del Rio Avenue. The BWA acquisition of the remaining property enabled the Authority to plan for the expansion of the pump station facility.

The 2002 Benbrook Economic Development Corporation purchase of the various parcels did not include title to the strip known as Sessums Place. Also, the 2002 purchase did not result in a consistent deed line along the south line of the overall properties adjacent to Old Benbrook Road. The inconsistent deed line results in a strip approximately nine-feet wide by approximately 150-feet long (1,471-square feet) in the south property line along Old Benbrook Road west of the Sessums Place strip. The subsequent land conveyances by deed from the Benbrook EDC to the Benbrook Water Authority resulted in shortages resulting from this inconsistency.

Currently the Benbrook Water Authority is platting the property into a single large lot to accommodate future facilities expansion. Clear title to the Sessums Place strip was established after the July 17, 2008 approval of Ordinance Number 1265 (PZ-2008-08) and the subsequent execution of a quitclaim deed in favor of the Benbrook Water Authority.

The BWA plat provides dedication of additional right-of-way along the balance of the Old Benbrook Road frontage to accommodate future roadway improvements. A 749-square foot portion of the 1,471-square foot shortage area is also shown as right-of-way on the plat. A 722-square foot portion of the shortage area is proposed to be vacated in favor of BWA. The proposed dedication areas combined with the proposed vacation area creates a 333.25-foot long consistent line along the Old Benbrook Road frontage of the property with the completion of the plat.

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

DATE: 03/05/09	REFERENCE NUMBER: G-	SUBJECT: Adopt Ordinance vacating and abandoning a 722-square foot strip of land in the C. H. Borden Survey Abstract Number 243	PAGE: 2 of 2
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The plat provides a 626-square foot dedication from BWA property with clear title compared with the 722-square foot proposed vacation resulting in a net gain of 96 square feet by BWA. There are no City improvements in the 722-square foot area, and with the net difference of 96 square feet compared with the dedication, the Staff suggests that the vacation be approved without compensation.

RECOMMENDATION

The City Staff recommends that the City Council approve the ordinance vacating and abandoning any interest the City may have in the 722-square foot strip of land in the C. H. Borden Survey Abstract Number 243 adjacent to Old Benbrook Road, and authorize the Mayor to execute a quitclaim deed releasing any interest the City may have in the property.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/05/09	REFERENCE NUMBER: C-242	SUBJECT: Approve design contract with Schrickel Rollins and Associates for landscape architecture services for Benbrook Boulevard widening project	PAGE: 1 of 2
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The City is continuing to work diligently with the Texas Department of Transportation (TxDOT) while they prepare the engineering and right-of-way plans for the widening of Benbrook Boulevard. The City successfully negotiated a redesign of the project that will include less additional right-of-way acquisition than originally proposed and the City and TxDOT are beginning to work with adjacent property owners to minimize the number of driveway conflicts. TxDOT current plans to let the project for construction in early 2012.

The City originally had planned to hire its own engineers to design the project, and entered into a \$250,478 contract with Teague Nall and Perkins in April 2007 to prepare the preliminary design. Shortly thereafter, TxDOT advised the City that they were willing to design the project at their expense, so the contract with Teague Nall and Perkins was cancelled saving the City all but approximately \$35,000 in expense. This allowed the City to use the remainder toward construction costs.

In mid-2008, the City was advised that TxDOT's District landscape architect was retiring and that the District did not plan to replace him. In December, TxDOT recommended that the City retain its own landscape architect and that the landscaping be installed under a separate contract following completion of the roadway to avoid conflicts with the State contractor.

After reviewing several options, the staff began negotiations with Schrickel Rollins and Associates (SRA) of Arlington to develop a scope and fee. SRA is a well-respected landscape architecture firm in the region and prepared the Benbrook Parks and Recreation Master Plan in 1998. SRA also has experience working with TxDOT on similar projects.

The staff has negotiated the contract to occur in two phases. First will be the development of the preliminary design and coordination with TxDOT during the development of the roadway plans. The second phase will be the preparation of the construction documents and representation during construction. The Staff does not expect that the construction phase will begin before the next fiscal year.

Staff believes that the landscape and urban design component is an integral part of the project to transform Benbrook Boulevard from a rural highway to an urban boulevard. Therefore, it is important that the landscape architecture component be continued.

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

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FINANCING

There currently are no funds budgeted for this purpose, but the Core Value Fund has been previously designated to be used for this project.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to negotiate and execute a contract with Schrickel Rollins and Associates for landscape architecture services related to the Benbrook Boulevard widening project, to be paid from the Core Value Fund.