

**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 2, 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 – Associate Pastor Kyle McClure Restoration Family Church  
PLEDGE OF ALLEGIANCE**

**III. MINUTES**

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

**IV. PROCLAMATION/AWARD/RECOGNITION**

1. Recognition – Wayne Carlisle – Public Works Response Team – Hurricane Ike
2. Receive Appreciation Award from Bike D/FW

**V. CITIZEN PRESENTATION**

1. Presentation on Complete Count Committee for 2010 Census – Jerome Garza and Jennifer Pope, U.S. Census Bureau

**VI. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL**

CC-2009-06	Adopt Resolution – Complete Count Committee
CC-2009-07	Make appointment to Benbrook Economic Development Corporation Board of Directors
CC-2009-08	Adopt Resolution opposing HB 4441 Relating to Railroad Commission Authority

**VII. REPORTS OF CITY MANAGER**

**A. GENERAL**

G-1838	Accept Finance Report for month ending February 28, 2009
G-1839	Accept Comprehensive Annual Financial Report for 2007-08
G-1840	Adopt ordinance changing the name of Park Road No. 1, Park Road No. 2 and Park Road No. 3 within Dutch Branch Park
G-1841	Adopt Ordinance amending Chapter 1.12 of Benbrook Municipal Code regarding gas pipeline franchise license fees

**B. CONTRACT**

C-243	Approve contract with Tim's Landscape, Inc. for landscape maintenance
C-244	Authorize contract with C&P Engineering for Road Damage Assessment study associated with gas well drilling

**VIII. INFORMAL CITIZEN COMMENTS** – State Law prohibits any deliberation of or decisions regarding items presented in information citizen comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.

**IX. ADJOURNMENT**

**WORKSESSION**

1. Discuss Benbrook Community Center/YMCA Expansion



**MINUTES  
OF THE MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY,  
MARCH 5, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, March 5, 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  
Dan Tully

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Dave Gattis, Deputy City Manager

Others Present:

Ed Gallagher, City Planner  
Ron Rainey  
Bill Smith  
Robert Clark  
Jim Wilson  
Victor Baxter  
Karen Barber  
Larry Stowe  
Pamela Brandenburg  
Vernon Gatlin  
Kyle Carr  
Debbie Watson  
Dennis Wood  
and three 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. Larry Stowe.  
The Pledge of Allegiance was recited.

### III. MINUTES

#### 1. Minutes of the regular meeting held February 19, 2009

Motion by Mr. Allison, seconded by Mr. Sauma to accept the minutes of the regular meeting held February 19, 2009.

Vote on the Motion:

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

Noes: None

Abstain: Mr. Tully

Motion carries 5-0-1.

### 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**

Mr. Gattis gave the following report: The Benbrook Water Authority is the owner of 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/U.S. 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. 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 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 EDC purchase of the various parcels did not include title to the strip known as Sessums Place. The purchase also did not result in a consistent deed line along the south line of the overall properties adjacent to Old Benbrook Road. The City vacated interest in Sessums Place Road in 2008.

BWA is finalizing a plat of the property into a single large lot to accommodate future facilities expansion. BWA will dedicate 749-square feet as right-of-way. 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 33.25-foot long consistent line along the Old Benbrook Road frontage of the property with the completion of the plat.

Motion by Mr. Tully, seconded by Mr. Bailey to adopt Ordinance No. 1283 vacating and abandoning a 722-square foot strip in the C.H. Borden Survey A-243 and authorize the Mayor to execute a quitclaim deed.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1283 being **“AN ORDINANCE VACATING AND ABANDONING ANY RIGHT, TITLE OR INTEREST THAT THE CITY OF BENBROOK MIGHT HAVE IN AN UNIMPROVED 0.017 ACRE TACT OF LAND ADJACENT TO OLD BENBROOK ROAD AND LOCATED IN THE C.H. BORDEN SURVEY, ABSTRACT NO. 243, BENBROOK, TARRANT COUNTY, TEXAS; DECLARING THAT SUCH LAND IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING TO BENBROOK WATER AUTHORITY ANY RIGHT, TITLE AND INTEREST THE CITY MIGHT HAVE IN SUCH LAND; AND PROVIDING AN EFFECTIVE DATE.”**

## **VI. REPORTS OF CITY MANAGER**

### **A. CONTRACT**

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

Mr. Gattis gave the following report: TxDOT is proceeding with engineering design for Benbrook Boulevard (US 377) widening project. TxDOT no longer has a landscape architect on staff and recommends that the City retain a landscape architect.

Staff has negotiated a draft contract with Schrickel, Rollins and Associates.

The Design Contract is in two phases

- Preliminary design and coordination with TxDOT \$ 28,000
- Final design, bidding and construction administration \$139,000

The construction budget for landscape elements \$1,800,000

Motion by Mr. Allison, seconded by Mr. Washburn to authorize the City Manager to execute a contract with Schrickel, Rollins and Associates to be paid from the Core Value Fund.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**VII. INFORMAL CITIZEN COMMENTS**

**VIII. ADJOURNMENT**

Meeting adjourned at 7:45 P.M. followed by a worksession to conduct interviews with candidates for Benbrook Economic Development Board of Directors position.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**



January 15, 2009

Wayne Carlisle  
City of Benbrook  
911 Winscott Road  
Benbrook, TX 76126

Dear Mr. Carlisle:

Now that the 2008 hurricane season is over, and we begin the process of planning for the 2009 season, we stop to reflect on the contribution made by the newly formed Public Works Response Team functionality for the State of Texas. While the hurricanes of 2008 were challenging, the Public Works Response Teams' contributions were a great asset to the citizens of Texas in helping impacted communities more quickly recover critical infrastructure needed to support re-entry of citizens, and enabling them to more quickly move down the road toward complete recovery.

On behalf of the citizens of the great State of Texas, we thank the City of Benbrook for its dedicated support of the Public Works Response Team's (PWRT) recovery efforts during Hurricane Ike. The PWRT's success hinges on the "can do" attitude and timely response of jurisdictions such as yours.

Please accept this small token of the PWRT's appreciation in honor of Benbrook's willingness to help. Know that your efforts helped improve the shattered lives of many fellow Texans. We will not forget you and neither will they.

Sincerely,

Tony Alotto  
Associate Division Director

Enclosures (1)  
PWRT Certificate of Appreciation



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 03/19/09	REFERENCE NUMBER: G-1838	SUBJECT: Accept Financial Report for month ending February 2009	PAGE: 1 of 1
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**GENERAL FUND REVENUES**

Revenues for the month of February totaled \$1,816,624. Most of this amount came from taxes (\$1,682,060), with the largest portion (77%) coming from Property Taxes. Through February, total collections exceed the prior year's totals by \$987,253.

**GENERAL FUND EXPENDITURES**

February expenditures totaled \$885,514. Year-to-date expenditures amounted to \$5,207,598. Through February, revenues exceed expenditures by \$4,613,802.

**INVESTMENTS**

Investments were \$17,152,562 at February 28, 2009.

**RECOMMENDATION**

Staff recommends that City Council accept the monthly financial report for the month of February, 2009.

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: 03-19-2009	REFERENCE NUMBER: G-1839	SUBJECT: Comprehensive Annual Financial Report for 2007-08	PAGE: 1 of 3
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For City Council's information and consideration is the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2008. The Finance Department prepared the report which has been reviewed and approved by Weaver and Tidwell, L.L.P., the City's independent auditor. The Auditor's Opinion is included on pages 1 – 2 of the CAFR.

As presented in previous years, the Finance Director has prepared the CAFR, which includes the audit as well as other related and more detailed information. Staff anticipates the current CAFR will meet all requirements for the City to receive a Certificate of Achievement for Excellence in Financial Reporting for the twenty-fifth consecutive year.

### FINANCIAL HIGHLIGHTS

- Although the 2007-08 Budget projected a surplus of \$208,000, the City ended the year with a **surplus of \$974,030**. This pushed total **General Fund reserves to \$7,339,904** or 61.55% of total expenditures.
- Revenues were \$233,370 over the original budget. Despite building permits and fees being almost \$114,000 under budget, Sales Tax (\$90,000), Fines (\$76,000), Use of Money & Property (\$65,731), Fire Service Contracts (\$64,727) and Ambulance Fees (\$82,293) more than made up the difference.
- The balance of the increase was due to the department heads **returning \$532,198** (4.46%) from their budgets.
- The assets of the City exceed its liabilities by \$48,543,239 at the close of business on September 30, 2008.
- The City's total capital assets decreased by \$74,136 to \$53,546,205. Most of this decrease was due to lower capital improvement expenditures and no developer contributions.
- As of September 30, 2008, the City reported a combined ending balance of \$12,852,541. Over 66% of this amount is unreserved and available for use within the City's designation and policies.
- Long-term debt increased due to the issuance of the Storm Water bonds.

### REPORT CONTENTS

This is the City's fourth report that conforms to GASB 34 reporting requirements. It is also the fifth time the report has been prepared for electronic distribution. The Introductory Section of the report will look the same as previous years.

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

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE: 3 of 3
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**Financial Section**

The Financial Section contains the Auditor's Opinion on pages 1 -2, the Management's Discussion and Analysis (MD&A) on pages 3 – 7, the Basic Financial Statements on pages 8 – 33, the Required Supplementary Information on pages 26 – 28, and the Combining and Individual Fund Statements on pages 34 – 42. The MD&A is basically a summary of the entire report.

**Statements of Net Assets**

GASB 34 was enacted to provide a more comprehensive evaluation of a municipality's long-term financial position. Prior to GASB 34, cities only considered deposits and investments. After GASB 34, cities evaluate capital assets (buildings, roads, bridges, drainage improvements, etc.) and depreciate these assets. The City's total capital assets are \$98,988,975, with \$45,442,770 fully depreciated. In theory, the greater the depreciation number the more critical it is for the government to invest in the replacement of these capital assets.

**Statement of Activities**

This statement (page 9) presents the cost for each operational area less any revenue produced by that area. As you may note, no area of the City's operation pays for itself.

**Statistical Section**

This was the second year for the new Statistical Section (pages 43 – 60) requirements. This section contains information on financial trends, revenue capacity, debt capacity, demographic and economic indicators, and other operating information.

**BUDGET ADJUSTMENTS**

Although overall totals were well under the original budgeted amounts, various divisions/projects exceeded the adopted budget. State law and City policies require City Council to approve three budget adjustments. A summary of these adjustments follow:

- 1) Non-Departmental was over budget by \$2,836.
- 2) City Council authorized a budget of \$124,000 for the Winscott Road Traffic Signal. The actual project came in at \$139,810.91, less the \$10,500 from Weatherford, for a final cost of \$129,310.91. This caused the project to be over budget by \$5,310.91. Interest income from street bonds was used to cover the entire amount.
- 3) The Fire Department received \$173,361.24 in Grant Funds for various projects. The department expended \$173,217.42 or \$143.82 less than received. The department spent \$1,801 of their General Fund budget for these projects. In order to comply with grant requirements, City Council will need to transfer (\$1,657.18) to the Grant Fund.

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE: 3 of 3
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### **EDC COMMENTS**

Weaver and Tidwell's audit letter recommends segregating the custody, approval and reconciliation functions of the EDC for improved internal control. The auditors suggest (1) implementing a dual review and approval process for vendors, purchases and invoices prior to payment, (2) a reconciliation of credit card statements by someone other than the purchaser, and (3) the creation of a log to record all incoming cash receipts prior to being submitted for deposit and entered into the general ledger.

### **NEW REQUIREMENTS**

The City will continue to implement new requirement in the coming years. Next year, the City must implement its Other Post Retirement Benefits (OPEB) study along with other Government Accounting Standards Board regulations.

### **RECOMMENDATIONS**

It is recommended that City Council:

- 1) Accept the CAFR for the fiscal year ended September 30, 2008;
- 2) Approve a budget adjustment from Public Services to General Government of \$2,836;
- 3) Approve the final total of \$129,310.91 for the Winscott Road Traffic Signal; and
- 4) Approve the transfer of \$1,657.18 from the General Fund to the Grant Fund.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/02/09	REFERENCE NUMBER: G-1841	SUBJECT: Adopt Ordinance changing the name of Park Road No. 1, Park Road No. 2 and Park Road No. 3 within Benbrook	PAGE: 1 of 1
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### **BACKGROUND**

At the November 6, 2008 meeting, City Council authorized Staff to begin the process of changing the names of Park Road 1, Park Road 2, and Park Road 3 in Dutch Branch Park. The proposed name changes will reduce confusion for the public and public safety responders by eliminating three similar street names in close geographic proximity. The City Council directed Staff to change the names of the three streets to Creekside Drive, Cary Conklin Drive, and Lake Shore Drive, respectively.

The Creekside Drive and Lake Shore Drive reflect the geographical features of the park. Cary Conklin Drive recognizes the 33-year involvement of former City Manager Cary Conklin in developing the athletic complex in Dutch Branch Park.

With adoption of the ordinance approving the name changes, the Street Department will fabricate and install new street signs at a nominal cost using funds from the street maintenance budget. Routinely, the new street name is displayed with the old street name (new name on top) for approximately 12 months to allow the public to become accustomed to the new street names.

Staff has notified and received no comments from the Corps of Engineers, utility suppliers, and other entities having interest in street name changes. Staff will record the Ordinance with the Tarrant County Clerk and advise interested entities of the City Council's approval of the street name changes.

### **RECOMMENDATION**

Staff recommends that City Council approve the Ordinance changing the names of Park Road 1, Park Road 2, and Park Road 3 to Creekside Drive, Cary Conklin Drive, and Lake Shore Drive respectively.

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/02/09	REFERENCE NUMBER: G-1841	SUBJECT: Adopt Ordinance amending Chapter 1.12 of the Benbrook Municipal Code regarding gas pipeline franchise fee	PAGE: 1 of 1
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A natural gas midstream pipeline company has requested permission to place a natural gas gathering pipeline in and across City rights-of-way in several locations. A midstream company is one that operates between the exploration and production activities and the refining and marketing activities, which includes the transportation of crude oil and natural gas by pipelines.

Currently, the City does not allow private “for-profit” companies to use public rights-of-way without obtaining fair compensation through a franchise agreement or other license agreement. All of our other utilities (such as Atmos) have obtained a franchise agreement from the City which allows use of the City’s rights-of-way and easements but requires payment of a percentage of total revenues. Based on a midstream company’s revenue structure and singular purpose to transport natural gas from wells to market, staff proposes a license fee for the right-of-way use.

The City has surveyed other cities and determined that some cities use an annual linear foot license fee (e.g. Burleson charges \$2.26 per linear foot), while others (e.g. Fort Worth) charge a one time \$46/linear foot based on a 20-year use. The staff believes that it will be simpler and more efficient to administer a one-time fee, at \$46 per linear foot. Gas companies will be required to execute a license agreement that provides additional protection to the City.

### **RECOMMENDATION**

The staff recommends that the City Council adopt the Ordinance amending Chapter 1.12 of the Benbrook Municipal Code establishing a \$46/linear foot right-of-way use fee for natural gas pipelines.

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/02/09	REFERENCE NUMBER: C-243	SUBJECT: Approve contact with Tim's Landscape, Inc. for landscape maintenance	PAGE: 1 of 1
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In early March, staff solicited bids for the annual mowing contract for grounds at various City buildings and property. Three bids were received;

<u>Contractor</u>	<u>Monthly Charge</u>
Tim's Landscape Inc.	\$1,395.00 per month
I&E Services, Inc.	\$1,990.00 per month
Sunterra Landscape Services	\$1,978.22 per month

Tim's Landscape submitted the low bid of \$1,395.00 per month. The contract will begin April 6<sup>th</sup> and end November 6, 2009. The contractor is responsible for mowing and trimming weeds at the City-owned properties listed below:

<u>Project Locations</u>	<u>Address</u>
City Hall	911 Winscott Road
Fire Station	528 Mercedes
Senior Citizens Building	1010 Mercedes
Police Station	1080 Mercedes
Community Center (Lion's Club)	229 San Angelo
Cemetery	825 Mercedes Street

### FINANCING

Adequate funds are included in the Parks Department budget.

### RECOMMENDATION

Staff recommends that the City Council approve the contract with Tim's Landscape, Inc. for landscape maintenance of City properties to be paid from Account 01-4301-5219.

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/02/09	REFERENCE NUMBER: C-244	SUBJECT: Authorize contract with C&P Engineering for Road Damage Assessment study associated with gas well drilling	PAGE: 1 of 1
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The heavy trucks used in drilling for natural gas (drilling rigs, water trucks, etc.) can damage City street pavements. The City currently addresses this by requiring that the drilling company execute a Road Maintenance Agreement that requires the company to repair any damage to roadways caused by the use of heavy trucks. Damage is usually assessed by a before and after inspection of the road surface. Many times, the damage that is caused may not be apparent for several years and it would be difficult to demonstrate at a later date that the damage was directly caused by the drilling companies.

Many cities are now using an upfront payment for road damage. Using standard engineering methods, the additional wear on a roadway by a heavy vehicle can be calculated and a fee developed for the proportionate share of roadway replacement caused by that heavy vehicle. Cities that are using this approach, or are considering it, include Denton, Burleson, Fort Worth and Arlington.

The staff would like to retain C&P Engineering to perform a study to determine the appropriate fees for use in Benbrook. C&P is the firm that did the studies for the four cities cited above and demonstrates a unique set of qualifications and experience to accomplish the analysis. C&P has proposed a fee of \$16,100 to perform the analysis. An additional \$4,600 will be required for certain pavement test calculations by Alpha Testing. The total cost, therefore, is \$20,700.

This amount was not included in the 2008-09 budget, but the staff believes it is in the best interests to proceed with the study to implement the fee in a timely manner as new drilling permits are considered. The costs could be recouped by an adjustment in future gas well fees.

### **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute an Agreement with C&P Engineering to perform a Road Damage Assessment study for Benbrook, in the amount of \$20,700, to be paid from account 01-5401-5211 and a comparable amount transferred from unappropriated reserves.

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