

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, MAY 21, 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 May 7, 2009
2. Minutes of the special meeting held May 18, 2009

IV. OATH OF OFFICE TO NEWLY ELECTED CITY OFFICIALS

V. CITIZEN PRESENTATION

1. Dan Tully, Outgoing City Councilmember, address to City Council and citizens

VI. PROCLAMATION/AWARDS/RECOGNITION

1. Proclamation recognizing Royal Flying Corps

VII. REPORTS OF CITY MANAGER

A. GENERAL

- G-1841 Approve financial report for month ending April 30, 2009
- G-1842 Approve Hotel/Motel Tax report for period ending March 31, 2009
- G-1843 Authorize Expenditure for Charter Community Grant for Heritage Fest Event
- G-1844 Approve Road Assessment Study
- G-1845 Adopt Ordinance amending Chapter 8.36 of the Benbrook Municipal Code – Gas Wells **PUBLIC HEARING**
- G-1846 Adopt Ordinance amending the Benbrook Municipal Code by adding Chapter 1.12.040 - Operator to Operator Transfer Fees and Road Assessment Fees
- G-1847 Approve design contract with Hahnfeld Hoffer and Stanford Architects for the expansion of the Benbrook Community Center/YMCA

B. CONTRACT

- C-246 Award contract for Classification and Comprehensive Study

VIII. INFORMAL CITIZEN COMMENTS — State Law prohibits any deliberation of or decisions regarding items presented in informal 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



**MINUTES
OF THE MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
MAY 7, 2009**

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

Jerry Dittrich
Keith Bailey
Mark Washburn
Ron Sauma
Dan Tully

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Cathy Morris, Public Involvement Director
Bob Rowley, City Engineer
Marie Hart, Intern

Others Present:

Ed Gallagher, City Planner
Bill Smith
Jim Wilson
Pamela Brandenburg
Vernon Gatlin
Larry Stowe
Mr. and Mrs. Bob Clark
Jess Jordan
Wayne Spence
and approximately 27 members of the American
Legion Riders – Paul Mansir Post #297

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 Reverend Eloy Gonzales with Trinity Hills Baptist Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held April 16, 2009

Motion by Mr. Tully, seconded by Mr. Sauma to approve the minutes of the regular meeting held April 16, 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PROCLAMATION/AWARD/RECOGNITION

1. Proclamation – Motorcycle Safety and Awareness Month

Mayor Dittrich presented Mr. Wayne Spence and members of American Legion Paul Mansir Post #297 Legion Riders with a Proclamation designating May 2009 as Motorcycle Safety and Awareness Month. Proclamation urging citizens to become aware of the inherent danger involved in operating a motorcycle and to give the operator the respect on the road that they deserve.

Mr. Spence presented the Benbrook City Council with a Certificate of Appreciation in recognition and appreciation of outstanding service and assistance to the American Legion Riders.

2. Proclamation – National Day of Prayer

Mayor Dittrich read a Proclamation recognizing May 7, 2009 as National Day of Prayer and urged Benbrook citizens to observe this day as intended by our Country's forefathers.

V. REPORTS OF CITY MANAGER

A. GENERAL

G-1839 Authorize Interlocal Agreement for Tarrant County Transportation Services

Marie Hart gave the following report: In March 2005, City Council authorized initial participation in the Fort Worth Transportation Authority's Tarrant County Transportation Services program.

Benbrook's current annual agreement with the "T" expires on May 31, 2009 and must be renewed to participate in the program for another year.

The TCTS program provides transit services to residents age 55 or older, or who have a disability at a subsidized fare of \$2.50 for one-way trips (on a first-come, first-serve basis). The City's cost for program participation is \$7,529 and funds are budgeted annually for this expense.

Ridership averages 56 one-way trips per month, reflecting an increase of approximately 15 trips per month from the previous year of participation.

Motion by Mr. Tully, seconded by Mr. Sauma to approve participation in the Tarrant County Transportation Services program for elderly and disabled residents at a cost of \$7,529.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1840 Resolution adopting Identity Theft Program/Policy

Joanna King gave the following report: The Federal Trade Commission, Federal Bank Regulatory Agencies, and the National Credit Union Administration have issued regulations requiring financial institutes and creditors to develop and implement written identity theft prevention programs.

This program is part of the Fair and Accurate Credit Transactions (FACT) Act of 2003. The Red Flag Rule applies to financial institutes and creditors with "covered accounts". A "covered account" is an account used mostly for personal, family, or household purpose and that involve multiple payments or transactions.

The City of Benbrook Ambulance Billing function services these types of accounts and falls within this Federal mandate.

Staff has created Administrative Regulation F-6, Identity Theft Program/Policy to meet the guidelines of the mandate. This policy applies to all City employees and service providers that have access to the EMS customer's personal information.

Motion by Mr. Washburn, seconded by Mr. Bailey to adopt the Resolution adopting Administrative Regulation F-6 Identity Theft Program.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 200-06 being **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, ADOPTING A WRITTEN IDENTITY THEFT PROGRAM POLICY AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGES IN THE POLICY”**

B. CONTRACT

C-245 Consider Bids and Award Contract for Plantation East Creek Drainage Improvements

Bob Rowley gave the following report: The Plantation East Creek drainage project consists of channel improvements from the upstream side of Plantation Drive to a point near the south end of Tara Drive where diversion box culvers connect to Plantation East Creek. The objective of the project is to increase the drainage capacity of the creek, mitigate erosion and remove homes from the floodplain. A projected 15 to 20 residences will be removed from the floodplain.

Sealed bids were received and publicly opened on April 22, 2009. Bids ranged in price from \$1,090,537.50 to \$1,630,141.00.

Linder Construction Company, Inc. was the low bidder. The design engineer recommends the City award the contract to the low bidder. This contractor recently completed the Plantation West drainage project. Staff was pleased with Linder's work.

Motion by Mr. Sauma, seconded by Mr. Washburn to award the project to the low bidder, Linder Construction, in the amount of \$1,090,537.50.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

VII. ADJOURNMENT

Meeting adjourned at 7:58 P.M.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 05/21/09	REFERENCE NUMBER: G-1841	SUBJECT: Financial Report April 30, 2009	PAGE: 1 of 1
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GENERAL FUND REVENUES

Revenues for the month of April were \$421,247. Most of this amount came from taxes (\$193,969), revenue from other agencies (\$61,973), and ambulance fees (\$67,282). Current revenues exceed the amount collected in the prior year by \$1,303,498.

GENERAL FUND EXPENDITURES

April expenditures totaled \$1,440,536, with the larger than normal amount due to three payroll periods. Year-to-date expenditures amounted to \$7,554,339. Through April, revenues exceed expenditures by \$3,893,961.

INVESTMENTS

Investments were \$16,919,371 at April 30, 2009.

RECOMMENDATION

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

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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 05/21/09	REFERENCE NUMBER: G-1842	SUBJECT: Approve Hotel/Motel Tax report for period ending March 31, 2009	PAGE: 1 of 1
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Attached for City Council's information and consideration is the Hotel/Motel Occupancy Tax report for the period ending March 31, 2009.

REVENUES

Year-to-date collections amounted to \$84,443. Bed tax collections made up \$77,643 of that amount.

EXPENSES

The Marketing and Visitor Center had charges of \$19,981. There were no other Hotel/Motel Occupancy Tax expenses. The Hotel/Motel Occupancy Tax Fund ended the period with a balance of \$428,149.

RECOMMENDATIONS

Staff recommends that City Council approve the Hotel/Motel Occupancy Tax report for the period ending March 31, 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: 05/21/09	REFERENCE NUMBER: G-1843	SUBJECT: Authorize expenditure for Charter Community Grant for Heritage Fest Event	PAGE: 1 of 1
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BACKGROUND

In 2007 and 2008, City Council approved the use of three of four scheduled annual Charter Communications Community grants to help fund the Benbrook Heritage Fest "Cowboy Roundup" event.

Charter Communications provides the grants in support of local community events and approves their use for Heritage Fest, with two requirements from the City:

1. That **City Council** identify the event it intends to fund with these grant monies; and
2. That **Charter is recognized**, through event marketing materials, as the donor of these charitable funds.

Heritage Fest visitors enjoy a free-admission, day-long event celebrating Benbrook history with western-themed games, historical re-enactors, a native village, chuck wagon cooking, a Kiddy Korral, and an evening concert. In addition, Benbrook non-profit organizations are provided free booth space for fundraising activities.

To encourage overnight stay, staff works with local hotels to offer discounted room rates for traveling festival vendors.

Benbrook is scheduled to receive the fourth Charter grant, in the amount of \$9,353, in June 2009. Charter's recent bankruptcy filing may freeze these grant funds and make them unavailable. Staff will not know the status of the grant funds until a formal request, approved by City Council, is submitted.

RECOMMENDATION

Staff recommends that City Council allocate the June 2009 fourth and final Charter Communications community grant, in the amount of \$9,353, for costs associated with the event.

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: 05/21/09	REFERENCE NUMBER: G-1844	SUBJECT: Approve Road Assessment Study	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 requires that drilling companies execute a Road Maintenance Agreement that obligates 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 resulting damage may not be apparent for several years, making it difficult to demonstrate 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. Cities that are using this approach, or are considering it, include Denton, Burleson, Fort Worth and Arlington.

On April 2, City Council approved a contract with C&P Engineering to perform a study to determine the appropriate Road Damage Assessment Fee schedule for use in Benbrook. C&P is the firm that performed studies for the four cities noted above.

Working with the City Engineer, the consultant has completed his analysis and a copy of his engineering report is attached. The consultant has calculated the reduction of pavement life for six different pavement types found in Benbrook (e.g. – Type I is 2-inch hot mix asphalt over 6-inches of stabilized road base), and for four different operational scenarios (e.g. – N1 is piped water, drill one well, and haul the flow back). The damage cost is based on the replacement cost of each type of pavement.

The proposed fee structure is separated into two categories. The first category is for a new pad site, which requires additional truck and heavy equipment traffic. The second category is for new wells on existing pad sites. The proposed fees are highlighted below:

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

**Road Damage Assessment Fees
New Pad Sites**

PAVEMENT SECTION	SCENARIO			
	N1 (per lane mile)	N2* (per lane mile)	N3 (per lane mile)	N4* (per lane mile)
Type I	\$13,980	\$8,034	\$6,128	\$184
Type II	\$2,215	\$1,273	\$971	\$29
Type III	\$863	\$497	\$378	\$12
Type IV	\$1,090	\$627	\$478	\$15
Type V	\$466	\$269	\$204	\$6
Type VI	\$224	\$131	\$100	\$3

**Road Damage Assessment Fees
Existing Pad Sites**

PAVEMENT SECTION	SCENARIO			
	E1 (per lane mile)	E2* (per lane mile)	E3 (per lane mile)	E4* (per lane mile)
Type I	\$13,700	\$8,034	\$2,849	\$184
Type II	\$1,696	\$1,273	\$452	\$29
Type III	\$662	\$497	\$177	\$12
Type IV	\$832	\$627	\$221	\$15
Type V	\$356	\$269	\$94	\$6
Type VI	\$172	\$131	\$45	\$3

*These scenarios address multiple well sites. The road damage costs in these columns represent the cost of each additional well.

RECOMMENDATION

Staff recommends that the City Council accept the Road Damage Assessment Study.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 05/21/09	REFERENCE NUMBER: G-1845	SUBJECT: Adopt Ordinance amending Chapter 8.36 of the Benbrook Municipal Code – Gas Wells	PAGE: 1 of 3
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The City of Benbrook’s Gas Drilling Ordinance was adopted in July, 2006, which replaced an older Oil and Gas Ordinance that was adopted in the 1980s. Like other area cities, Benbrook’s Ordinance established technical regulations to protect public safety and emphasized “quality of life” issues such as well setback distances, landscaping, fencing, public notice, roads, and noise. Since that time, many municipalities have reevaluated existing ordinances to more effectively manage urban drilling issues.

After evaluating the City’s existing Gas Drilling Ordinance and monitoring the development of similar revised ordinances in Fort Worth, Southlake, Burleson and other Tarrant County communities, Staff proposes an update to further protect the public, create efficiencies in the permitting process, and ensure that gas drilling and future community growth are as compatible as possible. Like the Ordinance adopted in 2006, the proposed Ordinance must fairly balance the rights of both the surface and mineral estate.

The proposed Ordinance builds on the existing Ordinance, providing further protection for the community and general public. Significant components of the Ordinance with related enhancements are highlighted below:

Gas Well Classification and Distance Standards

- Retains the Protected Use setback of 600 feet without a waiver.
- Retains two waiver options: (1) secured from each Protected Use property or (2) granted by City Council.
- Distinguishes separate permitting processes for gas wells located within 600 feet of a Protected Use and those located greater than 600 feet from a Protected Use.
- More clearly defines a Protected Use.
- Increases the absolute minimum setback from 200 feet to 300 feet for a Protected Use (with waiver) to reflect the International Fire Code.

Public Notice

- Requires drilling companies requesting a City Council waiver to conduct an educational public meeting for Protected Use owners prior to the City Council public hearing.
- Improves newspaper notice, mailing, and signage requirements to better inform citizens.

Noise

- Requires drilling companies to submit a Noise Management Plan as part of the permit application.

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

DATE: 05/21/09	REFERENCE NUMBER: G-1845	SUBJECT: Adopt Ordinance amending Chapter 8.36 of the Benbrook Municipal Code – Oil and Gas Wells	PAGE: 2 of 3
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- Prohibits truck deliveries or construction work at night and on Sundays.
- Establishes approved sound mitigating materials for “lift” compressors at the drill site.
- Allows for issuance of immediate citations for violations of the Noise Management Plan.
- Defines daytime work hours as 7am to 7pm. The 2006 Ordinance allowed work to begin at 6am.

Fencing/Landscaping Requirements

- Establishes a timeframe for internal and perimeter fencing.
- Requires landscaping to be completed within 180 days of completion of the first well.
- Requires tree mitigation per the Subdivision and Zoning Ordinances.
- Ties landscaping requirements to the Zoning Ordinance.

Road Damage Remediation

- Requires a Road Damage Assessment payment at time of permitting.

Fresh Water Fracture Ponds

- Requires drilling companies to obtain a separate permit to develop fresh water fracture ponds.
- Requires a surface use agreement for restoration or future maintenance of all ponds.
- Requires tree mitigation per the Zoning Ordinance.

Pipelines

- Requires a pipeline permit for all routes that utilize City rights-of-way.
- Requires pipeline route information in GIS format.

Saltwater Pipelines

- Establishes construction standards for saltwater pipelines.
- Requires a permit to cover route and street crossings.

Reduced Emission “Green” Completion

- Requires techniques or methods that minimize the amount of natural gas and vapors released.

Site Management and Remediation

- Enhances and strengthens technical requirements.
- Requires erosion control and grading plans.
- Requires acknowledgement of intended future land use per the City’s Comprehensive Plan.
- Requires a surface reclamation plan for drainage, backfilling, vegetation, and road reclamation upon plugging and abandonment of wells.

DATE: 05/21/09	REFERENCE NUMBER: G-1845	SUBJECT: Adopt Ordinance amending Chapter 8.36 of the Benbrook Municipal Code – Oil and Gas Wells	PAGE: 3 of 3
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Recommendation

Staff recommends that City Council adopt the Ordinance amending Chapter 8.36 of the Benbrook Municipal Code – Oil and Gas Wells.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:
05/21/09

REFERENCE
NUMBER:
G-1846

SUBJECT:
Adopt Ordinance amending Chapter 1.12 of the Benbrook Municipal Code by adding Chapter 1.12.040 – operator to operator transfer fees and road damage assessment fees

PAGE:
1 of 1

Staff recommends adding two Benbrook Gas Drilling Ordinance related fees to the Benbrook Municipal Code, Chapter 1.12.040 - Benbrook Fee Ordinance. The new fees are as follows:

1. An operator-to-operator transfer fee of \$750 is recommended to reimburse the City for administrative costs association with the change in ownership of a gas well. Upon change of ownership, City Staff is required to update emergency contact information, approve and retain new insurance documentation, verify required well-site sign updates, etc.
2. A road damage assessment fee is recommended to recover the proportionate share of roadway replacement caused by heavy vehicle traffic related to drilling activities. The fee will be collected prior to the issuance of a Gas Well Permit. The road damage assessment fee will be reserved in a separate fund and earmarked for the specific roads used to calculate the fee.

RECOMMENDATION

Staff recommends that City Council update the Benbrook Municipal Fee Ordinance, Benbrook Municipal Code Chapter 1.12.040, by adding an operator-to-operator transfer fee and road damage assessment fee.

SUBMITTED BY:

DISPOSITION BY COUNCIL:

APPROVED OTHER (DESCRIBE)

PROCESSED BY:

CITY SECRETARY

CITY MANAGER

DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 05/21/09	REFERENCE NUMBER: G-1847	SUBJECT: Approve design contract with Hahnfeld Hoffer and Stanford Architects for the expansion of the Benbrook Community Center/YMCA	PAGE: 1 of 1
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BACKGROUND

At the December 18, 2008 City Council Meeting, City Council approved a two-phase design process for the expansion of the Benbrook Community Center/YMCA. The process included development of a schematic design followed by completion of construction design documents. Following an April 2nd City Council Work Session, the schematic design process is complete. Staff proposes initiating Phase 2 of the process, consisting of preparation of construction design documents.

PROPOSED CONTRACT

Hahnfeld Hoffer Stanford Architects Planners Interiors submitted a proposal to complete construction design documents. The proposal is an AIA Abbreviated Standard Form Agreement and includes compensation for construction design documents in a lump sum amount of \$85,000 and reimbursable expenses not-to-exceed \$14,000. Because the project is moving forward, the City will not have to pay the architects the \$10,500 for the Phase 1 schematic design process. Hahnfeld Hoffer Stanford Architects Planners Interiors were also the original designers for the existing facility.

BCC/YMCA improvements include renovations to the existing facility and an approximately 3,500 square foot expansion. The expanded portion will consist of two new multipurpose rooms for aerobics, meetings, classes, etc., separated by a movable curtain wall. The existing fitness area will expand into the existing aerobics area, adding 1,500 square feet for a total area of over 4,500 square feet. The existing community room, which is over 1,700 square feet, will be renovated to expand the child-watch area. Currently, the architect's estimated construction cost is \$1,063,102.

For the project, the YMCA will spend an estimated \$250,000 for fixtures, furnishings, and equipment (FF&E.)

RECOMMENDATION

Staff recommends that City Council authorize the City Manager to execute the contract with Hahnfeld Hoffer Stanford Architects Planners Interiors for preparation of construction design documents to expand the Benbrook Community Center/YMCA for a lump sum of \$85,000 and additional reimbursable expenses not to exceed \$14,000 to be paid from the CIP Fund.

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