

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JUNE 18, 2009
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 Lonnie Huett with Wyatt Drive Baptist Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held June 4, 2009

IV. PROCLAMATION/AWARDS/RECOGNITION

1. Recognize Christian Henninge for perfect attendance Kindergarten through 12th Grade

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2009-03 Adopt Ordinance vacating and abandoning a portion of a ten-foot wide utility easement located on Lots 16 and 17, Block 4, Brooks-Moreland Addition

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1850 Accept financial report for month of May, 2009
G-1851 Consider Support for Truck Lane Restrictions on I-20

VII. 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.

VIII. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
TUESDAY JUNE 4, 2009**

The regular meeting of the Benbrook City Council was held on Tuesday, June 4, 2009 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Charlie Anderson
Rickie Allison
Jim Wilson
Ron Sauma
Mark Washburn

Also Present:

Andy Wayman, City Manager
Donna Savage, Assistant to City Secretary
Tommy Davis Fire Chief

Others Present:

Ed Gallagher, Planner
Dan Tully
Jess Jordan
Pat Taber
Larry Stowe
Ron Rainey
Captain Jackie Hartman
Captain Jason Tate
Dennis Wood
Bull Smith
Kyle Carr
Carol Crombie
Tammi Cauthen
Rick Whitehurst
Karen Barber
Shannon Howerly
Bob Clark

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Mark Washburn
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held May 21, 2009

Motion by Mr. Allison, seconded by Mr. Washburn to approve the minutes of the regular meeting held May 21, 2009 as presented.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Sauma, Mr. Washburn

Noes: None

Motion carries unanimously.

IV. PROCLAMTION/AWARD/RECOGNITION

Chief Davis gave the following report: The Community Emergency Response Team (CERT) program helps train citizens to be better prepared to respond to emergency incidents and disasters within their community. The Benbrook Fire Department began its first CERT class on January 19, 2009 and gradated nine Benbrook citizens on March 25, 2009. These citizens attended ten weeks of training in basic disaster response skills such as fire safety, light search and rescue, team, organization, and disaster medical operations. The lessons learned in the classroom and during exercises will enable CERT members to assist fire department personnel during disaster situations, and will also help them assist with non-emergency projects within community.

Captain Jackie Hartman introduced the CERT citizens receiving their certificates Team Leader Dan O'Connell, Co-Team Leader Doris Hart, Pam Duncan, Avonda Hightower, Terry Johnson, Scott Macke, Melissa Pena, Buck Wiggins.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1848 Determine method to fill vacancy on Planning and Zoning Commission

Andy Wayman gave the following report; City Council made an appointment to Place 9 of the Planning and Zoning Commission on October 18, 2007. At that time, Mr. James Wilson was appointed to serve a two year term with expiration in October, 2009.

On May 9th, Mr. Wilson was elected to serve as member of the City Council, Place 5. Following the official canvassing of the election results, Place 9 on the Planning and Zoning Commission is vacated.

Although the term of the vacancy expires on October 31, 2009, Staff recommends that the remainder of the term be filled. After reviewing the application they agreed to appoint Jess Jordan.

Motions by Mr. Allison, seconded by Mr. Anderson that City Council determine the process to fill the unexpired term for Place 9 of the Planning and Zoning Commission with Jess Jordan.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Sauma, Mr. Washburn

Noes: None

Motion carries unanimously.

G-1849 Ratify appointments to Civil Service Commission

Andy Wayman gave the following report; State law requires that the City Manager appoint three (3) members to the City's Civil Service Commission with the appointments confirmed by City Council.

There are currently two vacant positions on the Civil Service Commission. The vacancies are due to a recent change in Texas law prohibiting a commission member from appointment to more than three consecutive terms.

Commission members Steve Kent and Mark Washington have exceeded their term appointments and must be replaced. Mr. Gary Hankins is presently serving his first term to expire October, 2009.

Mr. Paul Brown and Mr. Cecil Cox have agreed to serve on the Civil Service Commission to fill the vacant terms.

Mr. Brown is a retired Lockheed Martin executive and currently serves as President of the Whitestone Ranch HOA.

Mr. Cox is a biology teacher at Brewer High School and a 10-year Benbrook resident.

Mr. Hankins is a Certified Public Accountant (CPA), former President of the Mont Del HOA, and former Chairman of the Benbrook Area Chamber of Commerce.

Motion By Mr. Allison, seconded by Mr. Wilson that City Council: 1) confirm the appointment of Mr. Paul Brown to serve a two year term beginning June 5, 2009; 2) confirm the appointment of Mr. Cecil Cox to serve a one year term beginning June 5, 2009; and 3) confirm the reappointment of Mr. Gary Hankins to serve a three year term.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Sauma, Mr. Washburn

Noes: None

Motion carries unanimously.

VII. INFORMAL CITIZEN COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 7:45 P.M. followed by a worksession to discuss Benbrook Economic Development Corporation

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/18/09	REFERENCE NUMBER: PZ-2009-03	SUBJECT: Adopt Ordinance vacating and abandoning a portion of a ten-foot wide utility easement located on Lots 16 and 17, Block 4, Brooks-Moreland Addition	PAGE: 1 of 1
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BACKGROUND

Brooks-Mooreland Addition was platted in North Benbrook in April 1956. Lots 16 and 17 of Block 4 were the southern limit of the subdivision. The lots that back up to Mary's Creek extend to the middle of the creek and have a ten-foot wide utility easement crossing the lots, generally along the top of the creek bank. The easement extends to the south limit of the subdivision, being the south line of Lot 17. Overhead utility facilities were installed in the easement, extending from the north to 8501 Mary's Creek Drive (located on Lots 16 and 17), the last customer in the development.

In 1958 a single-family house was built on Lots 16 and 17 at 8501 Mary's Creek Drive. The overhead utilities from the north extend approximately 30 feet onto Lot 16 to serve the house and were not extended to the south limit of the subdivision. The house was constructed across the lot line between Lots 16 and 17 as the lots are platted, as well as across the ten-foot wide utility easement.

Development of the adjacent property to the south did not occur until the May 1972 platting of Hallman Addition. The Hallman Addition did not include the extension of the utility easement along the top of the creek bank.

The house crossing the lot line and in particular the house encroaching across the utility easements creates title exceptions when title insurance policies are issued with conveyances of the property.

CURRENT CIRCUMSTANCE

The owner of the property has submitted a minor replat to combine the two lots into a single lot to eliminate the lot line encroachment. The replat application also proposes to vacate and abandon approximately 113 feet of the utility easement occupied by the house. The replat, combining the two lots and reflecting the vacation of a portion of the utility easement, will eliminate the two title exceptions with future conveyances of the property.

All utility suppliers have reviewed the requested vacation of the south portion of the utility easement and offered no objection provided the north portion of the easement that accommodates the existing utilities remain an easement as it has been since 1956.

RECOMMENDATION

Staff recommends that the City Council adopt the ordinance vacating the south portion of the ten-foot wide utility easement on Lots 16 and 17, Block 4, Brooks-Mooreland Addition and authorize the Mayor to execute a quitclaim deed releasing the interest of the City in the portion of the easement.

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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/18/09	REFERENCE NUMBER: G-1850	SUBJECT: Accept financial report for month of May 2009	PAGE: 1 of 1
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GENERAL FUND REVENUES

Revenues for the month of May were \$537,918. Most of this amount came from Sales Taxes (\$179,609) and Franchise Taxes (\$115,201). Other significant revenues came from Property Taxes (\$62,874), and Ambulance Fees (\$53,338). Current revenues exceed the amount collected in the prior year by \$1,245,452.

GENERAL FUND EXPENDITURES

May expenditures were \$1,361,033. Year-to-date expenditures amounted to \$8,915,372. Through May, revenues exceed expenditures by \$3,070,846.

INVESTMENTS

Investments were \$16,735,887 at May 31, 2009.

RECOMMENDATION

Staff recommends that the City Council accept the monthly financial report for the month of May, 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: 06/18/09	REFERENCE NUMBER: G-1851	SUBJECT: Consider support for Truck Lane Restrictions on I-20	PAGE: 1 of 1
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In late 2005 and early 2006, the North Central Texas Council of Governments implemented a pilot program to evaluate the effectiveness of restricting truck traffic from the left lane on certain Interstate Highways. The restrictions were applied to I-30 from Hulen to Collins in Tarrant County and on I-20 from Cedar Ridge to I-45 in Dallas County.

The Pilot Study sought answers to the following questions:

1. Do truck lane restrictions have a positive effect on travel speeds?
Answer: Yes. There was a slight improvement in left lane travel speeds. Speeds in other lanes stayed the same.
2. Do truck lane restrictions allow normal entering and exiting of freeways?
Answer: Yes. Normal spacing exists for access and egress. The truck lane restrictions do not create a "wall of trucks" in the right lanes.
3. Do truck drivers comply with the "No Trucks Left Lane" signage?
Answer: Yes. The overall percentage of trucks in the left lane decreased after restrictions began. The compliance rate in some sections was 99%.
4. Did the rate of crashes decrease?
Answer: Yes. There were decreases in crash rates after the truck lane restrictions were implemented.
5. Is the general public accepting of the truck lane restrictions?
Answer: Yes. 87% of the general public support expanding truck lane restrictions; however, only 17% of affected trucks support the restrictions.
6. Are truck lane restrictions effective without added enforcement?
Answer: Yes. Compliance rates were similar with and without additional enforcement. Crash rate reductions were evident with and without additional enforcement.

The NCTCOG now wants to expand the truck lane restrictions to include all of I-20 starting at West Loop 820 and eastward. The NCTCOG requests the affected cities (including Benbrook) submit a letter of support by June 30th.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to submit a letter of support for the expansion of truck lane restrictions along I-20 through Benbrook.

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