

**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, AUGUST 20, 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 August 6, 2009

**IV. REPORTS OF CITY MANAGER**

**A. GENERAL**

- G-1861 Accept financial report for month of July 2009  
G-1862 Adopt ordinance repealing Section 10.56 – Use of Hand Held Devices in School Zones of the Benbrook Municipal Code in its entirety

**B. CONTRACTS**

- C-247 Approve contract with Universal Ensco, Inc. to provide gas well inspection services  
C-248 Approve contract with Dr. Nur Yazdani for study of Plantation East Culvert  
C-249 Approve Interlocal Agreement with City of Fort Worth for Flood Study of Portion of Mary's Creek

**V. OTHER MATTERS OF BUSINESS**

1. Public Hearing on 2009 Property Tax Rate
2. Public Hearing on 2009/2010 Proposed Budget

**VI. 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.

**VII. EXECUTIVE SESSION–Texas Government Code Section 551.074, Personnel Matters** City Manager Performance Evaluation including salary determination

**VIII. RECONVENE INTO OPEN SESSION – Take necessary action from Executive Session**

**IX. ADJOURNMENT**

**Work Session**

1. Budget Review
2. Review Plans for Benbrook Boulevard Expansion



**MINUTES  
OF THE MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY,  
AUGUST 6, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, August 6, 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  
Charlie Anderson  
Jim Wilson

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Dave Gattis, Deputy City Manager  
Davis Ragsdale, Comptroller  
Sherri Newhouse, Budget Director

Others Present:

Ed Gallagher, City Planner  
Karen Barber, Benbrook News  
Cathy Morris, Public Involvement Director  
Walter Shumac, Director Public Service

Jess Jordan  
Dan Tully  
Kyle Carr  
Bill Smith  
Joan Chew  
Larry Stowe  
Symantha Spence  
Lynette Spence  
Debbie Watson  
Jackie Messer  
Vincent Brown  
Jimmie Scruggs  
Paul Brown  
9 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 Toni Oliver with Tabernacle of Praise  
The Pledge of Allegiance was recited.

**III. MINUTES**

**1. Minutes of the regular meeting held July 16, 2009**

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**IV. CITIZEN PRESENTATION**

**1. Vincent Brown – Code Compliance – Benbrook United Methodist Church**

Mr. Vincent Brown addressed City Council on the Code violations of parking on grass at the Benbrook United Methodist Church. Mr. Brown advised his has brought this to the attention of City Staff and has been advised that the City has been in contact with the Church to regarding the violation and need to replace the existing asphalt for parking. He stated that he has also been advised that the City considers this a special situation and a citation will not be issued.

Mr. Brown stated he considers this to be selective enforcement of the City Code and requested City Council to amend the existing ordinance to allow limited parking on grass for all citizens. Mr. Brown stated that if the ordinance is not amending the City will be in violation of its' own ordinance during Harvest Fest and the Fireworks Show.

Mayor Dittrich thanked Mr. Brown of this comments and advised staff would take this into consideration.

**2. Whitestone Ranch Homeowners Association – Appreciation for drainage improvements (Jimmie Scruggs presenter)**

On behalf of the Whitestone Ranch Homeowners Association, Mr. Jimmie Scruggs made a presentation to City Council in appreciation of the drainage improvements made in their area.

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

**CC-2009-14 Determine method to fill vacancy on Benbrook Economic Development Corporation Board of Directors**

Following discussion, motion by Mr. Washburn, seconded by Mr. Allison to accept staff recommendation to delay appointment to Place 5 on Benbrook Economic Development Corporation Board of Directors until applications have been received for appointments in October, 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**VI. REPORTS OF CITY MANAGER**

**A. GENERAL**

**G-1857 Accept financial report for month of June 2009**

David Ragsdale gave the following report: General Fund Revenues for the month of June were \$463,530. Total collections for \$12,449,748 now amount to 92.70% of the total budget.

General Fund Expenditures were \$1,048,520. Total expenditures through the end of June amounted to \$9,963,892 or 74.31% of the original budget. Revenues exceed expenditures by \$2,485,856.

Debt Service Fund revenues received through June 30, 2009 totaled \$960,423 or 97.55% of the budget. Total expenditures were \$798,163.

Capital Projects Fund revenues amounted to \$1,364,134, with most of this amount coming from TIF contributions and Storm Water Fees. Capital Projects expenditures were \$304,387.

Special Revenues Funds were \$365, while expenditures were \$600.00.

At June 30, 2009, the City had \$15,917,092 invested at varying interest rates.

Motion by Mr. Sauma, seconded by Mr. Anderson to accept the financial report for the month ending June 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-1858      Approve quarterly Hotel/Motel Bed Tax report**

David Ragsdale gave the following report: Quarterly revenues for the Hotel Motel Occupancy Tax were \$35,681. Year-to-day collections amounted to \$120,124. Bed tax made up \$110,149 of that amount.

Total expenses for the quarter were \$29,453. The Marketing and Visitors Center had charges of \$19,983. VSA requested reimbursement of \$1,897 for four art classes and a public exhibition of the art work. Best Western requested reimbursement for advertising expenses of \$7,531.

Motion by Mr. Anderson, seconded by Mr. Bailey to approve the quarterly Hotel/Motel Bed Tax report for the period ending June 30, 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-1859      Adopt Ordinance approving negotiated Resolution between Atmos Cities Steering Committee and Atmos regarding the Atmos Rate Review Mechanism Filing**

David Ragsdale gave the following report: The City is a member of the Atmos Cities Steering Committee (ACSC) coalition of more than 150 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos service area.

On March 6, 2009, Atmos Mid-Tex filed an application with the City to increase natural gas rates pursuant to the Rate Review Mechanism (RRM) tariff approved by the City as part of the settlement agreement of Atmos Mid-Tex 2007 Statement of Intent to increase rates.

The Atmos Mid-Tex March RRM filing sought a \$20.2 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. The proposed ordinance and attached RRM tariff are the result of negotiation between ACSC and Atmos to resolve issues raised by ACSC during the review and evaluation of ACSC's RRM filing. The proposed Ordinance and RRM Tariffs approved rates that will increase Atmos revenues by \$2.6 million effective for bills rendered on or after August 1, 2009. The monthly bill impact for the average residential customer will be a \$0.15 increase.

Motion by Mr. Allison, seconded by Mr. Sauma to adopt Ordinance No. 1290 approving rate tariffs and proof of revenues.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1290 being **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS’ PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.”**

**G-1860 Accept 2009 Appraisal Roll, Set Anticipated Collection Rate and Appoint Officer to calculate and publish Effective Tax Rate/Rollback Tax Rate**

David Ragsdale gave the following report: Staff received the 2009 Certified Appraisal Roll from Tarrant Appraisal District (TAD) on Monday, July 27, 2009. The report “Information on 2008 – 2009 Appraisal Roll” contains State mandated information on appraised value, adjustments, exemptions, and taxable value of property in the City as of January 1, 2009.

To comply with “Truth-in-Taxation” (TNT) requirements, the City Council must accept the Certified Appraisal Roll as presented by TAD, set an anticipated collection rate for next year and appoint an officer to calculate and publish the Effective Tax Rate (ETR) and the Rollback Tax Rate (RTR).

Motion by Mr. Anderson, seconded by Mr. Washburn to accept the 2009 Certified Appraisal Roll as presented; set 100% as the anticipated property tax collection rate for 2009-10, and; appoint the Finance Director to calculate and publish the Effective Tax Rate and Rollback Tax Rate.

Vote on the Motion:

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

Noes: None

Motion carries unanimously,

**VII. INFORMAL CITIZEN COMMENTS**

**VIII. ADJOURNMENT**

Meeting adjourned at 8:10 P.M. followed by a worksession:

1. Discuss Benbrook Economic Development Corporation/City of Benbrook structural relationship
2. Discuss Benbrook Economic Development Corporation/Visitors Center relocation
3. Discuss 2009-2010 Budget

---

Jerry B. Dittrich, Mayor

ATTEST:

---

Joanna King, City Secretary



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 08/20/09	REFERENCE NUMBER: G-1861	SUBJECT: Accept financial report for month of July 2009	PAGE: 1 of 1
-------------------	--------------------------------	--	-----------------

Attached for City Councils information and consideration is the financial report for July, 2009.

### **GENERAL FUND REVENUES**

Revenues for the month of July were \$499,047, with taxes producing most of this amount (\$332,843). Although Sales Tax collections remain ahead of last year (9.87%), the last four monthly payments have been less than the payment for the corresponding month in the prior year.

Revenue collected through the end of July was \$12,948,795 or 96.42% of the original budget. Through the end of July, revenues are \$1,005,792 ahead of the amount received last year.

### **GENERAL FUND EXPENDITURES**

July expenditures were \$980,074. Total expenditures through the end of July amounted to \$10,943,966 or 81.62% of the original budget.

Revenues exceed expenditures by \$2,004,829.

### **INVESTMENTS**

At July 31, 2009, the City had \$15,156,001 invested at varying interest rates.

### **RECOMMENDATION**

Staff recommends that City Council accept the July, 2009 financial report.

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: 08/20/09	REFERENCE NUMBER: G-1862	SUBJECT: Adopt Ordinance Repealing Section 10.56 of the Benbrook Municipal Code	PAGE: 1 of 1
-------------------	--------------------------------	---	-----------------

### **Background**

In February 2008, City Council adopted Ordinance Number 1254 amending Chapter 10 of the Benbrook Municipal Code to prohibit the use of hand-held mobile telephones in active school zones.

Effective September 1, 2009, Section 545.425 of the Texas Transportation Code is amended to prohibit the use of wireless communication devices while operating a motor vehicle in a school zone. The new State law preempts local ordinances that regulate the use of wireless communication devices and, after September 1, 2009, all citations issued for use of cell phones in school zones will be issued under the new State law.

The new law reflects the intent of Benbrook's current Ordinance, but requires that signs posted in the school zones inform operators that noncompliance will result in a fine. City staff has ordered and will post the new signage in all school zones.

### **RECOMMENDATION**

Staff recommends City Council repeal Ordinance 1254 prohibiting the use of hand-held telephones in active school zones, thereby enforcing the cell phone prohibition in school zones under new State law, effective September 1, 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: 08/20/09	REFERENCE NUMBER: C-247	SUBJECT: Approve contract with Universal Ensco, Inc. to provide gas well inspection services	PAGE: 1 of 2
-------------------	----------------------------	---	-----------------

City staff has neither the time nor expertise to provide gas well inspection services on a routine basis. Staff has investigated hiring a full-time in-house inspector, contracting with a nearby City for shared services, or contracting directly with a consultant to provide those services. It is Staff's determination that contracting with a consultant provides the best cost-effective solution for Benbrook.

Staff evaluated qualifications from two consulting firms and has selected Universal Ensco as the most qualified and best able to provide the necessary services in Benbrook. Universal Ensco began in 1961 as a pipeline engineering firm and is currently based in Houston. They have recently added municipal gas well inspection services and have hired a former Fort Worth gas well inspector with over 30 years of experience in the oil and gas industry.

The proposed contract is for a one-year period, which can be renewed annually, and the consultant will be paid on the following basis:

- A. The consultant will provide technical assistance in the review of new well applications to be paid at the rate of \$125/hour with a maximum of \$3,000 per application.
- B. The consultant will make four quarterly inspections of each existing well pad site, plus three random inspections annually, at a rate of \$125/hour with a maximum of \$1,500 per well pad site.
- C. The consultant will make four inspections from drilling through initial production for each new well in the City, at a rate of \$125/hour with a maximum of \$1,500 per well.

The contract also provides provision for additional services during meetings, complaint investigation and emergencies.

### FUNDING

The proposed contract will be paid from revenues generated by gas well permitting activities, including permit fees and annual fees. The annual fee will be brought to City Council next month to assure that the fee is adequate to cover the annual cost. Benbrook's Ordinance also provides that any additional costs can be passed on to the gas well companies, though this will be necessary only in unusual circumstances.

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

DATE: 08/20/09	REFERENCE NUMBER: C-247	SUBJECT: Approve contract with Universal Ensco, Inc. to provide gas well inspection services	PAGE: 2 of 2
-------------------	-------------------------------	--	-----------------

**RECOMMENDATION**

Staff recommends that the City Council approve the contract with Universal Ensco, Inc. to provide gas well inspection services through September 2010.



# City of Benbrook CITY COUNCIL COMMUNICATION

DATE: 08/20/09	REFERENCE NUMBER: C-248	SUBJECT: Approve contract with Dr. Nur Yazdani for study of Plantation East Culvert	PAGE: 1 of 1
-------------------	----------------------------	--	-----------------

In 1991, the City installed two 9-foot by 8-foot box culverts underneath Tara Drive to provide flooding relief on Plantation East Creek. In recent months, City Staff has noted increased deterioration of the concrete along portions of the box culvert. Staff believes an investigation of the cause of the deterioration is warranted to determine options for a long-term repair.

After talking with several consultants about the problem, Staff contacted the Civil Engineering Department at the University of Texas at Arlington about evaluating the problem in a cost-effective manner. Staff met with Dr. Nur Yazdani, Chair of the Department and allowed Dr. Yazdani to make a field inspection.

Staff and Dr. Yazdani have developed a draft Agreement that outlines the proposed services, including soil and concrete bores, soil and water testing, materials testing, high resolution resistivity imaging, ultrasonic imaging, and report preparation. Much of the work will be performed by graduate engineering students under the supervision of Drs. Yazdani and Sahadat Hossain. The City is responsible for time and materials up to a maximum fee of \$20,000.

### **FUNDING**

No funds were budgeted for this purpose, but Staff is anxious to proceed before the deterioration becomes more significant. Staff recommends that necessary funds be used from the Storm Water Utility fund.

### **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute the Agreement with Dr. Yazdani for a fee of up to \$20,000, to be paid from the Storm Water Utility fund.

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: 08/20/09	REFERENCE NUMBER: C-249	SUBJECT: Approve Interlocal Agreement with City of Fort Worth for Flood Study of portion of Mary's Creek	PAGE: 1 of 1
-------------------	----------------------------	---	-----------------

Staff has worked with Fort Worth Staff since last year to examine the possibility of performing a restudy of the floodplain of Mary's Creek and the Clear Fork Trinity River. The Mary's Creek hydrologic and hydraulic flood model is over 30 years old and it appears that there may be some technical errors at the confluence between the two streams. A restudy will also provide more accurate and detailed information to better protect people and property from flood hazards.

Under the proposed Interlocal Agreement (ILA), Fort Worth will contract with Freese and Nichols, Inc. to prepare the \$243,046 study, including stream condition assessments, field surveys, detailed flood model development, proposed flood mitigation, and quality assurance. Benbrook's share of the cost is \$52,482. An optional task, submitting a Letter of Map revision (LOMR) application to FEMA, would be an additional \$11,113 cost to Benbrook, for a total possible cost of \$63,569. Benbrook's share of the cost would be 26 percent, while Benbrook has 61 percent of the affected land area and residential structures and 33 percent of the hydraulic structures.

### FUNDING

A total of \$20,000 was allocated in this year's budget for Benbrook's share of the project. Staff proposes that the remaining \$43,569 be paid from the Storm Water Utility fund.

### RECOMMENDATION

Staff recommends that the City Council authorize the Interlocal Agreement with the City of Fort Worth for the Mary's Creek Flood Study to be paid from Account 01-5401-5211 and the Storm Water Utility fund.

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