

**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, APRIL 7, 2005**

The regular meeting of the Benbrook City Council was held on Thursday, April 7, 2005 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Felix Hebert
Jerry Dittrich
Ron Sauma
Keith Bailey
Rickie Allison
John Vander Pan

Also Present:

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

Others Present:

Ed Gallagher, City Planner
Maggie Hebert
Dorcas Neuman, Benbrook News
Dennis Lindgron
David Wasson
David Bunn
Louise Gibbs
Bill Smith
Daniel Tully
Larry Stowe
Al Griner
Mr. and Mrs. Harold Evetts
Pat Dunkin
Glen Martin
and 3 other citizens

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Pastor Todd Pylant with First Baptist Church of Benbrook gave the invocation. The Pledge of Allegiance was recited.

III. CONSENT AGENDA (Items listed under the Consent Agenda are considered routine and are enacted in one motion. The exception to this rule is that a Councilmember, citizen or the City Manager may request one or more items be removed from the Consent Agenda for separate discussion and action.)

- 1. Minutes of the regular meeting held March 17, 2005**
- 2. Resolution Endorsing Certain Legislative Changes to S.B. 7 Supported by Cities Aggregation Power Project, Inc. (Legislative reforms endorsed by CAPP to limit market power, prevent cost shifting between geographic areas of the state, create effective citizen aggregation, and permit annual adjustments to municipal franchise fees be supported by the City)**

Motion by Mr. Sauma, seconded by Mr. Bailey to approve the consent agenda as presented.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Hebert, Dr. Dittrich, Mr. Vander Pan, Mr. Sauma

Noes: None

Motion carries unanimously.

Resolution No. 2005-08 being **“A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES TO S.B. 7 SUPPORTED BY CITIES AGGREGATION POWER PROJECT, INC.”**

IV. CITIZEN PRESENTATION

- 1. Benbrook Water and Sewer Authority – Request City Council Support for Changes to Authority Enabling Legislation to Protect Common Water Supply Resources**

David Wasson, General Manager with the Benbrook Water and Sewer Authority addressed City Council. Mr. Wasson stated the Authority’s Board of Directors is requesting formal support from the Benbrook City Council on proposed legislative changes to their enabling legislation. The last amendment to the enabling legislation was in the late 1970’s. The main amendment to the proposed legislation is to protect our common water supply resources, to provide explicit authority that the City of Benbrook and the Authority may cooperate to achieve this and other statutory objectives through Interlocal agreements. Senator Kim Brimer has agreed to carry this bill.

In addition to its water treatment plant, the Authority has fourteen wells in both the

Trinity and Paluxy aquifers that it uses to supply drinking water to its customers. The BWSA is responsible for protecting these wells in order to safeguard the aquifers from contamination. This responsibility has become more essential with the increased emphasis on protecting against threat of bioterrorism attacks on public drinking water supplies. While the Authority must meet certain criteria in drilling and protecting its wells, wells drilled by individuals and those drilled for vanity uses such as irrigation, are not required to meet these same standards. There are not security requirements for such wells, which increase the threat of contamination to the aquifer. The proposed changes to the Authority's enabling legislation would allow the Authority to set minimum standards for how a well is drilled and how the well and therefore the aquifer, is protected.

The other changes proposed entail revising the language of the Authority's enabling legislation to reflect current Water Code requirements regarding elections, director's fees, and bonds. Additionally, there are some minor changes made to update the statute and code references in the legislation. There may be some minor language changes made by the legislative committee. However, the Authority believes that there will be no substantive changes from the filed version of the bill. The Authority is requesting City Council's support of the filed bill as an independent agency.

Following discussion with Mr. Wasson and Mr. Dennis Lindgron, BWSA Board President, motion by Mr. Allison, seconded by Dr. Dittrich to support the Authority's enabling legislation proposals at this time.

Discussion followed.

Vote on the Motion:

Ayes: Mr. Allison, Mayor Hebert, Dr. Dittrich, Mr. Bailey

Noes: Mr. Vander Pan and Mr. Sauma

Motion carries 4-2

Resolution No, 2005-09 being **"A RESOLUTION OF THE CITY OF BENBROOK, TEXAS SUPPORTING BENBROOK WATER AND SEWER AUTHORITY'S LEGISLATION"**

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1557 Consider Columbarium for Benbrook Cemetery

Mr. Wayman gave the following report: During a recent City Council work session, City Council asked staff to investigate: 1) the possible purchase of additional cemetery land west of the existing cemetery, and 2) adding a columbarium to the Benbrook Cemetery to accommodate above ground placement of cremated remains.

Staff contacted the Smith family relative to the purchase of additional land. After consideration, the family determined that they did not want to sell any land for additional cemetery space.

Adequate space is available for a columbarium on the east stub road in the cemetery. The columbarium would create 120 niches for cremated remains. The columbarium cost, including delivery and concrete foundation, is approximately \$19,000.

Based on an average niche cost of \$400, total columbarium revenue would be approximately \$48,000.00. The revenue would be realized over a number of years.

If City Council chooses to purchase a columbarium, the City Council will need to revise the fee ordinance to include a fee for inurnment. City Council would also need to determine whether funeral homes and monument companies would be similarly responsible for logistical issues related to such sites.

Motion by Dr. Dittrich, seconded by Mr. Bailey to consider the purchase of a columbarium, for Benbrook Cemetery in the next budget session.

Vote on the Motion:

Ayes: Mayor Hebert, Mr. Vander Pan, Dr. Dittrich, Mr. Sauma, Mr. Bailey, Mr. Allison

Noes: None

Motion carries unanimously.

B. CONTRACT

C-207 Authorize Engineering Contract with Teague Nall and Perkins, Inc. for Final Design of Timber Creek Culvert and Willow Bend Creek Culvert Improvements

Mr. Gattis gave the following report: The City sold \$3.7 million in drainage bonds in May 2004 as authorized by the February 2004 bond election. One project, the Timbercreek/Edgewood storm drain, is already under construction and is approximately 95 percent completed. Preliminary design and alternative analysis for the remaining projects were authorized by the City Council in May 2004.

Although the original plan was to increase the capacity of the culverts at Winscott Road, John Reagan and Park Center, the engineers are now recommending that only the Winscott Road culvert be enlarged at this time. The project will remove approximately 30 homes from the floodplain.

In the Willow Bend Channel Culverts project, the original plan was to increase the capacity of the culverts at Llano, Herndon, Pinewood and Northbrook. The engineers recommend enlarging only Llano and Herndon culverts at this time. The project will remove approximately 26 homes from the floodplain. Revised construction costs for both projects are within budgeted limits.

Staff recommends City Council authorize the staff to enter into contracts with Teague Nall and Perkins for:

1. The final design of Timber Creek culvert at Winscott Road for a lump sum of \$18,550, plus up to \$9,500 in direct and surveying costs, to be charged to 04-3013-5211; and
2. The final design of culverts on Willow Bend Creek at Llano and Herndon for a lump sum of \$21,500, plus up to \$15,500 in direct and surveying costs, to be charged to 04-3014-5211.

Motion by Mr. Bailey, seconded by Mr. Vander Pan to approve the project as presented.

Vote on the Motion:

Ayes: Mr. Vander Pan, Dr. Dittrich, Mr. Sauma, Mr. Bailey, Mr. Allison, Mayor Hebert

Noes: None

Motion carries unanimously.

C-208 Approve Change Order No. 2 for Timber Creek/Edgewood Storm Drain Project

Mr. Gattis gave the following report: City Council approved construction of Timbercreek/Edgewood storm drain in September 2004, which was part of the February 2004 bond election. The contractor has completed a majority of the project, including all storm drainpipes.

When the contractor began excavating the Edgewood/High Ridge intersection, he encountered an area of old landfill. The old pavement in the area does not conform to current design standards, particularly for overlying unstable landfill. After cutting the old pavement to install the storm drain, it became apparent that a simple trench patch would be insufficient. The staff and City Engineer recommend that the entire

intersection and the one-block segment of Edgewood between Timberline Drive and High Ridge be repaved.

The cost increase for this change order is within limits established by State law, but must be approved by City Council. Total increased cost is \$88,293, to be paid with \$79,432 in excess street bonds and \$8,861 in drainage bonds.

Motion by Mr. Allison, seconded by Mr. Sauma to:

1. Approve Change Order No. 2 for the construction of the Timbercreek/Edgewood Storm Drain project to repave the intersection of Edgewood and High Ridge and the one-block segment of Edgewood from Timberline Drive to High Ridge, in the amount of \$88,293 to be paid from Account 04-3010-5219, and
2. Approve the transfer of \$79,432 in excess street bond funds to Account 04-3010-5219 for street paving improvements.

Vote on the Motion:

Ayes: Dr. Dittrich, Mr. Sauma, Mr. Bailey, Mr. Allison. Mayor Hebert, Mr. Vander Pan

Noes: None

Motion carries unanimously.

B. PURCHASE

P-246 Authorize Purchase of 1.257 Acres of Land for Team Ranch Park

Mr. Gattis gave the following report: In 2002, Development dedicated 13.484 acres along Walnut Creek for the purposes of meeting the park dedication requirement. The staff is working with the Team Ranch Development to complete a second dedication of 18.36 acres adjacent to the first dedication, resulting in a total area of 31.843 acres. This includes all of the land along Walnut Creek between the Union Pacific Railroad and La Bandera Phase 3 residential development, except a 1.257-acre tract owned by Louise Gibbs.

The Louise Gibbs tract consists of 1.257 acres in the southwest corner of the Team Ranch park area. This small acreage is reduced in size by purchase of right-of-way and for a channel easement by the TxDOT for the construction of Interstate 20. Therefore, the unencumbered area is substantially less than the total 1.257 acres. All of the property is within the 100-year floodplain and it has no direct access to a roadway. It has little value except as parkland for the City.

In January 2005, Mrs. Gibbs approached the City to determine our interest in purchasing the property. In January 2004, the Tarrant Appraisal District valued the

property at \$6,316. The staff made an offer of \$6,500, plus one-half of the closing cost. Mrs. Gibbs has agreed to the sale.

Staff is recommending that City Council approve the purchase of the 1.257 acres of land to be paid from Park Dedication Fees.

Following discussion, motion by Mr. Allison, seconded by Mr. Vander Pan to approve the purchase of 1.257 acres of land in the C.H. Borden Survey from Mrs. Louise Gibbs in the amount of \$6,500, plus one-half of the closing cost, for an addition to Team Ranch Park, to be paid from Park Dedication Fees with the City to retain mineral rights to the property.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Hebert, Mr. Vander Pan, Dr. Dittrich

Noes: Mr. Sauma

Motion carries 5-1.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN PRESENTATION

Pat Dunkin expressed appreciation to the contractor on the Timbercreek project for allowing access to all streets during construction. Mrs. Dunkin announced that the Timbercreek Homeowners Association will host the "Meet the Candidates" on April 14th at the Senior Citizens Center. She also invited council and citizens to the 4PAWS Treasure Sale at the Antique Mall parking lot on April 16, 2005.

Larry Stowe made favorable comment on the new Gateway Sign on I-20 at Winscott Road. Mr. Stowe stated that it was his opinion that the BWSA resolution request was a matter of formality to show support of City Council on their proposed legislation and not a forum to air personal grievances.

Dennis Lindgron stated that although the BWSA resolution did not receive unanimous support, he believes passage of the legislation will serve the City and BWSA as well as the citizens and businesses in the City.

XI. ADJOURNMENT

Meeting adjourned at 8:53 P.M.

APPROVED:

Felix T. Hebert, Mayor

ATTEST:

Joanna King, City Secretary