

**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 2, 2005**

The regular meeting of the Benbrook City Council was held on Thursday, June 2, 2005 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Rickie Allison
Keith Bailey
John Vander Pan
Ron Sauma
James Schull
Larry Stowe

Also Present:

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

Others Present:

Ed Gallagher, City Planner
Charlotte Vander Pan
Valerie Stowe
Dorcas Neuman, Benbrook News
Bill Smith
Daniel Tully
David Bunn
Joan Chew
Sam Balkum
Tammi Cauthen
Tracy Walker
Lawrence Thomas
Susan Wilcox
Mr. & Mrs. Peter Kau
Bob Clark

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Pastor Todd Pylant with Benbrook First Baptist Church 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 City Manager may request one or more items to be removed from the Consent Agenda for separate discussion and action.)

1. Minutes of the regular meeting held May 19, 2005

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. OATH OF OFFICE

1. Oath of Office to Newly Appointed Councilmember, Place 6

Mayor Dittrich administered the Oath of Office to Mr. Larry Stowe, Member of the Council Place 6.

Councilmember Schull requested to speak. Mr. Schull informed citizens and council that when the motion was made at the May 19, 2005 meeting to appoint Mr. Stowe to Place 6 he voted against the appointment. He advised his vote was in no way a reflection of Mr. Stowe. He stated his nay vote was to the method of the appointment only.

Mr. Stowe thanked Mr. Schull for his comments. He expressed his appreciation for

All joining fees will remain the same. Program fees will not be changed and all members, regardless of category, will qualify for membership discount rates. Members will not have to make any changes unless they choose to upgrade from a Branch Membership to a Value Membership. There will be no effect to over 90% of Benbrook resident members.

Ms. Cauthen announced that Tracy Walker, Director of the Benbrook Community Center/YMCA has accepted a position in California. She advised the YMCA of Metropolitan Fort Worth has agreed to the Benbrook Community Center/YMCA Board of Directors involvement in selecting her replacement. She stated Tracy has been with the Benbrook Community Center/YMCA since the doors opened and it will be a difficult task to find a replacement.

Mr. Lawrence Thomas, Vice President of Operations and Ms. Susan Wilson, CFO both addressed City Council. Both commented on the excellent relationship the YMCA has with the City of Benbrook in the operation of the facility. Mr. Thomas stated that although management of the Benbrook facility is one of a kind, several other cities have expressed an interest in this collaborative partnership.

Ms. Tracy Walker, Director of the Benbrook Community Center/YMCA expressed her appreciation to the citizens of Benbrook, Benbrook City Council, and Benbrook Community Center/YMCA Board of Directors for all she has learned during her tenure serving Benbrook.

No action necessary on this item.

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1569 Direct Staff Regarding Establishment of Railroad Quiet Zone

Mr. Gattis gave the following report: Citizens have contacted staff relative to the establishment of quiet zones at railroad crossings within Benbrook. We receive the most noise complaints about the crossing at RM 2871 and the Union Pacific Railroad (UPRR), which is outside our city limits. We do have a crossing at Winscott Road at the UPRR, which could be eligible for establishing a quiet zone.

Current Federal Railroad Administration (FRA) regulations require locomotives to blow their whistle beginning one-quarter mile prior to the crossing and ending when the locomotive crosses the crossing. Beginning on June 24, 2005, a new

FRA rule would allow cities to establish quiet zones at railroad crossing if the City installs additional supplemental safety measures (SSMs) at the crossing. These measures include four quadrant gates or gates with medians or channelization. In some cases, way-side horns (unidirectional) could be used. The capital costs of these improvements could range from \$50,000 to \$300,000. Incidentally, Railroad Controls, Inc. in Benbrook manufactures both way-side horns and four-quadrant gates.

In exchange for installing the additional safety measures, the City can require that trains not sound their horns for either a 24-hour period or a partial quiet zone that lasts from 10 PM to 7 AM. Quiet zones must be at least ½ mile in length. It is important to note that the half-mile immediately to the west of the Winscott crossing is in the City of Fort Worth and would be unaffected by any quiet zone established by Benbrook. City staff has contacted Fort Worth regarding joint participation in establishing a quiet zone. Fort Worth indicated they would be interested in participation with no cost to Fort Worth.

The interim final rule initially raised concerns since it implied that the local government would assume liability for any accidents at a modified intersection. The Federal Railroad Administration believes that liability will not increase, but individual railroads may seek indemnification.

The City also would assume responsibility for maintenance and operation of the new equipment at the railroad crossing.

Staff is requesting City Council direction on whether to continue to pursue development of a proposal to establish a quiet zone or whether to postpone or discontinue such efforts.

Following discussion, motion by Mr. Vander Pan, seconded by Mr. Allison to postpone item G-1569.

Vote on the motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN PRESENTATION

Mr. Bill Smith stated he could not understand why someone would move near a railroad tract or airport knowing the same to be in existence and then complain about the noise. He stated future deed restrictions should be in place informing the potential buyer of the facility location.

Mr. Sam Balkum announced that the City of Benbrook would be included in the 2006 Texas Travel Guide.

Ms. Tammi Cauthen announced that there would be a "Going Away" party for Tracy Walker at the Benbrook Community Center/YMCA from 5:00 – 8:00 PM on June 21, 2005.

Mr. Peter Kau, President of La Bandera Community Homeowners Association stated there is a concern with the railroad noise to the new development. He stated the train whistle are quite long and loud at 3:00 AM and does present a disturbance.

XI. ADJOURNMENT

Meeting adjourned at 8:10 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary