

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

The regular meeting of the Benbrook City Council was held on Thursday, July 7, 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
David Ragsdale, Comptroller
Sam Horan, Police Chief
Sherri Newhouse, Budget Director

Others Present:

Ed Gallagher, City Planner
Valerie Stowe
June Bailey
Charlotte Vander Pan
Dorcas Neuman, Benbrook News
Donald Barrett
Randy Cook
Stormy Mullinex
Patrick Marx
Bill Smith
Robin Yarbrough
Boyd London
Leroy Grawunder
Marilyn Ackmann
Mr. & Mrs. Dennis Lindgron
Sas Maroul
Steve Jiminez

Mr. & Mrs. Kevin Gahagan
Bill Plumlee
Joe Simpson
Joe Carr
David Bunn
Pat Dunkin
Julie Haines
Angie Cole
Kate Moore
and 5 other citizens

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Mr. Bill Smith gave the invocation.
The Pledge of Allegiance was recited.

III. OATH OF OFFICE

1. Oath of Office to Newly Elected Member of the Council, Place 5

Mayor Dittrich administered the Oath of Office the Mr. John Vander Pan, Member of the Council, Place 5

IV. 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 June 16, 2005**
- 2. Minutes of the special meeting held June 27, 2005**
- 3. Ordinance Vacating Cozby West Street from Mildred Lane to Vernon Castle Avenue**
- 4. Ordinance Denying the Request of Atmos Energy Corp, for an Annual Gas Reliability Infrastructure Program (GRIP) Rate Increase**

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1188 being **“AN ORDINANCE VACATING AND ABANDONING THE PART OF COZBY WEST STREET LYING SOUTH OF MILDRED LANE AND NORTH OF VERNON CASTLE AVENUE AS A PUBLIC STREET, SUBJECT TO THE RESERVATION OF CERTAIN EASEMENTS; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR THE CITY TO EXECUTE QUITCLAIM DEEDS RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY, SUBJECT TO THE RESERVATION OF SUCH EASEMENTS; AND PROVIDING AN EFFECTIVE DATE.”**

Ordinance No. 1189 being **“AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS DENYING THE REQUEST OF ATMOS ENERGY CORP., MID-TEX DIVISION, FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) RATE INCREASE IN THIS MUNICIPALITY, AS A PART OF THE COMPANY’S STATEWIDE GAS UTILITY DISTRIBUTION SYSTEM; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE ATMOS ENERGY CORP., MID-TEX DIVISION DISTRIBUTION SYSTEM AS PART OF THE CITIES STEERING COMMITTEE (ACSC); AUTHORIZING ACSC TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; AUTHORIZING INTERVENTION AS PART OF ACSC IN ANY APPEAL OF THE CITY’S ACTION TO THE RAILROAD COMMISSION; APPROVING COSTS INCURRED AS REASONABLE AND PROVIDING A REQUIREMENT FOR PROMPT REIMBURSEMENT OF COSTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION.”**

V. PROCLAMATION/RECOGNITION/AWARDS

- 1. Introduction of New Employees
Donald Barrett – Street Department – Field Service I**

Stormy Mullinax – Police Department – Police Officer
Patrick Marx – Police Department – Police Officer
Randy Cook – Police Department – Police Officer

Mr. Andy Wayman introduced Donald Barrett, the newest member to the Street Department.

Chief Sam Horan introduced Officers Stormy Mullinax, Patrick Marx and Randy Cook as the newly appointed members to the patrol division of the Police Department

2. Proclamation Recognizing David Maroul – MVP College Baseball World Series

Mayor Dittrich presented Sas Maroul with a proclamation recognizing David Maroul for receiving the Most Valuable Player award in the 2005 College Baseball World Series. Mr. Maroul is a Benbrook resident and graduate of Western Hills High School. Mr. Maroul will begin his professional baseball career on July 7, 2005 with the San Francisco Giants farm team Salem-Kaiser Volcanoes.

Five coaches from Mr. Maroul's baseball career from Little League through High School were in the audience for the presentation.

VI. PRESENTATION BY MAYOR AND COUNCILMEMBERS

1. Resolution Supporting the Storage and Display of the Last B-36 Peacekeeper Bomber at Fort Worth's Meacham Airport

Mayor Hebert read the following resolution:

Whereas, a total of 383 B-36 Peacekeeper Bombers were built in Fort Worth, Texas; and

Whereas, B-36 Peacekeeper Bombers were a critical strategic component of Air Force operations during the cold war; and

Whereas, the last remaining B-36 Peacekeeper Bomber was restored to pristine condition in Fort Worth by volunteers; and

Whereas, the B-36 Peacekeeper Bomber is vital to Fort Worth's aviation heritage and history.

Now therefore, be it resolved that the Benbrook City Council supports the storage

and display of the last remaining B-36 Peacekeeper Bomber in Fort Worth, Texas.

Mr. Bill Plumlee, a member of the B-36 Peacemaker Museum thanked members of the Council for their support in attempting to keep the B-36 Peacekeeper Bomber in Fort Worth. Mr. Plumlee introduced Mr. Joe Simpson and Joe Carr as other members of the volunteer group that spent hundreds of hours in the restoration of the B-36.

Motion by Mr. Schull, seconded by Mr. Vander Pan to adopt Resolution 2005-15.

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.

Resolution No. 2005-15 being **“A RESOLUTION OF THE BENBROOK CITY COUNCIL SUPPORTING THE STORAGE AND DISPLAY OF THE LAST B-36 PEACEKEEPER BOMBER AT FORT WORTH’S MEACHAM AIRPORT.”**

VII. PRESENTATION BY PLANNING AND ZONING COMMISSION

1. PZ-2005-02 Adopt Update to Section 5 – Goals, Objectives and Strategies of the Comprehensive Plan (Continued from May 5, 2005 meeting)

Dave Gattis gave the following report: Goals, Objectives and Strategies are an integral part of the Comprehensive Plan. The City Charter requires an update at least every five years. The last update was adopted in January 2000.

Joint work sessions with City Council and the Planning and Zoning Commission were held in February and March, 2005. The Planning and Zoning Commission recommended adoption at the April meeting.

City Council considered the update at the May 5th meeting, but deferred consideration because of objections by the Benbrook EDC. Staff then requested review comments from Benbrook EDC, Benbrook Water and Sewer Authority, Benbrook Library Board and Benbrook Area Chamber of Commerce.

Written comments were received from BEDC and BACC. In staff’s opinion,

inclusion of goals from other sections was only substantive comment.

The overall goal of Benbrook is to protect and enhance neighborhood quality and values, and improve the efficiency and effectiveness of government services, while promoting economic development, promoting community appearance and pride, and providing appropriate community facilities.

Neighborhood Quality Objectives

- Reduce the number of non-code compliant properties by 50% by 2008
 - Increase public education activities
 - Code Enforcement Officer to publish public information pieces
- Increase code enforcement staff
 - City Council to authorize hiring of additional code enforcement officers

Government Services Objectives

- Provide regular meetings where citizens can dialogue with City Council and staff
 - Measured by number of meetings held

Economic Development Objectives

- Revise apportionment agreement with Fort Worth to allow expansion of Benbrook City limits
 - Staff to meet with Fort Worth
- The Chamber or other body should pursue a local option election to allow wine sales in grocery stores
 - Citizen task force formed to carry petition

Community Appearance and Pride Objectives

- Evaluate potential improvements to Benbrook Boulevard streetscape
 - Prepare Corridor Master Plan in conjunction with NCTCOG, cost contribution up to \$30,000
- Hold annual festival or event
 - City Council to appoint Task Force to identify potential event
- Promote the arts or history within Benbrook
 - City Council to appoint Task Force to identify opportunities for arts and/or cultural events

Appropriate Community Facilities Objectives

- Develop plan for expansion of BCC/YMCA for next bond election
City Council to appoint advisory committee and hire architect (\$15,000)
- Develop lake-related recreation plan for next bond election
City Council to hire recreation consultant (\$20,000)

The Planning and Zoning Commission unanimously recommends that City Council adopt the revised Section 5-Goals, Objectives and Strategies as part of the Comprehensive Plan

Motion by Mr. Bailey, seconded by Mr. Sauma to adopt the update to Section 5 – Goals, Objectives and Strategies of the Comprehensive Plan.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. REPORTS OF CITY MANAGER

A. GENERAL

G-1571 Consider Adoption of a Resolution Directing Publication of Notice of Intention to Issue Certificates of Obligation

Mr. Conklin gave the following report: City Council previously authorized the loan of funds to the Benbrook TIF District No. 1 for the purpose of:

- Design and engineering of the Walnut Creek sewer line
- The I-20 Ramp relocation and Texas Turn-around project

Within the next two months, City Council must consider authorization of a similar loan for the construction of the Walnut Creek sewer line project. The estimated total financial obligation for Benbrook’s portion of all TIF projects is \$2.8 million.

The TIF District believes that these expenditures are necessary to stimulate additional development within the TIF District. The loan will be repaid by the TIF from future TIF revenues.

On June 16, 2005, City Council passed a resolution authorizing the City to loan

development money up to \$3 million to the TIF. This resolution was necessary to comply with Internal Revenue Service regulations.

On June 16, City Council met in a work session to discuss alternatives for the issuance of Certificates of Obligation. This issuance of CO's would:

- Return funds to the City reserves allowing the City to maintain a properly funded reserve account.
- Allow a gradual payout option for TIF projects providing an option for the TIF to take over annual payments.

City Council considered amounts for the CO issuance ranging from \$1.5 million to \$3 million with a payout ranging from 15 to 20 years. City Council discussed the financing of \$2.5 million with a payout of 15 years.

Representatives from McCall Parkhurst Horton, the bond attorney firm for First Southwest is present for any questions from City Council. They have prepared the necessary paperwork directing the publication of notice of the intention to issue the CO's for a two-week period. Following the publication requirement, City Council will then consider the item at the August 4, 2005 regular Council meeting.

Motion by Mr. Allison, seconded by Mr. Stowe to adopt the resolution directing publication of notice of intent to issue certificate of obligations.

Vote on the motion:

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

Noes: None

Motion carries unanimously.

G-1572 Consider Adoption of an Ordinance Authorizing the Issuance and Sale of the City's General Obligation Refunding Bond, Series 2005; Levying an Annual Ad Valorem Tax for the Payment of Said Bond; Approving an Escrow Agreement; and Enacting Other Provisions Relating to the Subject

Mr. Conklin gave the following report: First Southwest oversees the issuance of bonds and certificates of obligation for the City of Benbrook. First Southwest has suggested that the City of Benbrook consider the refinancing of approximately

\$6,000,000 in general obligation bonds. The proposed refinancing could save the City \$611,000 over the fifteen (15) year payment of this debt.

Staff is proposing that City Council consider refinancing per the recommendation of First Southwest. A representative from McCall Parkhurst Horton, the law firm representing First Southwest and a representative of First Southwest are present for any questions from City Council.

Motion by Mr. Stowe, seconded by Mr. Schull to adopt Ordinance No. 1190 authorizing the issuance and sale of the City's general obligation refunding bond, Series 2005; levying an annual ad valorem tax for the payment of said bond; approving an escrow agreement; and enacting other provisions relating to the subject.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. CONTRACT

C-210 Award Contract for Construction of Timber Creek Channel and Utility Improvements

Mr. Gattis gave the following report: The Timber Creek channel and utility improvements project is the last of \$2.63 million in drainage bonds authorized in 1997. The Capital Improvements Program calls for the widening of the Timber Creek channel beginning at the mouth of the Clear Fork Trinity River for a distance of 3,600 feet upstream. The project includes the relocation and enlargement of water and sewer lines, for which the Benbrook Water and Sewer Authority will prepay a portion of the cost. The project will remove over 65 houses from the 100-year floodplain. The project has been delayed approximately one year while staff obtained drainage and utility easements.

Staff opened bids for this project on Wednesday, June 15, 2005. The low total base bid was received from Earth Builders in the amount of \$694,892.00. Earth Builders has not performed any work for the City in the past, but the City engineer is familiar with the Company and is satisfied with their work.

The CIP allocated \$898,659 for construction of this project, while the City engineer's most recent estimate was \$915,000. Adequate funds are available for this project in the Capital Project fund from bonds sold in 2002.

Motion by Mr. Allison, seconded by Mr. Sauma to award the contract for the construction of Timber Creek channel and utility improvements to Earth Builders, Inc. in the amount of \$694,892 to be paid from Account 04-3006-5219.

Vote on the motion:

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

Noes: None

Motion carries unanimously.

IX. OTHER MATTERS OF BUSINESS

X. INFORMAL CITIZEN PRESENTATION

XI. ADJOURNMENT

Meeting adjourned at 8:22 P.M. followed by a budget work session

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary