

**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, OCTOBER 6, 2005**

The regular meeting of the Benbrook City Council was held on Thursday, October 6, 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
Sherri Newhouse, Budget Director
David R. Gattis, Assistant City Manager

Others Present:

Tammi Cauthen
Daniel Tully
Jessica Leatherman
Synclaire Truesdale
Jacy Leatherman
Grace Castellarin
Nikki Grant
Whitney Cauthen
Alyssa McSwiggen
Marilyn Perkins
Danny Perkins
Charles Perkins
Cara Perkins
Pamela Brandenburg
Savannah Kennedy
Haley Hankins
Delia Owens
Christina Brown
Meagan Farrelly
Lauren Farrelly
Richard Farrelly

Dorcas Neuman, Benbrook News
Kelly Dillard, Teague, Nall & Perkins
Phil Truax
John Anderson
Jack Shannon
David Benson
Anita Hudson
Tracy Allen
Sam Dobula
Valerie Stowe
and 25 other citizens

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 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 September 15, 2005**
- 2. Minutes of the special meeting held September 21, 2005**

Motion by Mr. Vander Pan, seconded by Mr. Allison 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.

IV. CITIZEN PRESENTATION

- 1. Brownie Troop 2502 – Service Project – Seeding Highway Embankment with Bluebonnet Seeds**

Brownie Troop 2502 members Synclaire Truesdale, Jacy Leatherman, and Grace Castellarin were introduced by Troop Leader, Jessica Leatherman. The Brownies presented the Mayor and Council with a proposal to plant bluebonnet seeds on the highway embankment of Loop 820, around and between the intersections of Highway 377 and Winscott Road. The Brownies requested assistance in obtaining equipment to prepare the ground in the sowing area, approximately eight pounds of bulk bluebonnet seed, and volunteers to help the nineteen members of Brownie Troop 2502.

Mayor Dittrich and members of the City Council thanked Brownie Troop 2502 for their presentation.

- 2. Benbrook Sister Cities – Presentation of Artwork – Youth Exchange – Bled, Slovenia**

Ms. Marilyn Perkins of Benbrook Sister Cities, Inc. (BSCI) introduced Benbrook's representative in Sister Cities International Young Artist Competition, Savannah Kennedy. Ms. Perkins then introduced Youth Ambassadors from BSCI. Haley Hankins and Delia Owens spoke to the Council on their experiences with Sister Cities and explained why the artwork was selected for Benbrook. Christina Brown, Meagan Farrelly, and Lauren Farrelly presented a numbers impact on the community for BSCI. Danny Perkins spoke on the purpose of Sister Cities. Cara Perkins, Christina Brown, Meagan Farrelly, and Haley Hankins presented the artwork to Mayor Dittrich and Cary Conklin while Delia Owens described the purpose of the artwork.

Mayor Dittrich and members of the City Council thanked the Youth Ambassadors from BSCI for their presentation.

- 3. Phil Truax – Concerned Citizens Group – Plantation Creek West Drainage Project**

Mr. Truax requested that his presentation be deferred until after the presentation of G-1591 by City staff.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1589 Appointments to Boards and Commissions

Mr. Conklin gave the following report: terms on the various City Boards and Commissions expire on October 31, 2005. The City advertised a formal notice to accept applications for Boards and Commissions in the official newspaper (*Benbrook News*) as well as the *Fort Worth Star Telegram*. The announcement was also placed on the City Channel of Charter Communications, the City Home Page, and in the quarterly Community Newsletter. The deadline for receiving applications was August 20, 2005. Council reviewed the applications for Boards and Commissions at their September 1, 2005 regular City Council meeting and scheduled interviews with each of the candidates. Interviews were held on September 21 and 22, 2005.

Motion by Mr. Stowe, seconded by Mr. Sauma to appoint James Amick, Daniel Tully, John Vander Pan, and Steven White to the Benbrook Economic Development Corporation (BEDC) for a term to expire October 31, 2007.

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

Motion by Mr. Vander Pan, seconded by Mr. Sauma to reappoint Jerry Dittrich and Tammi Cauthen to the Tax Increment Financing Board (TIF) for a term to expire October 31, 2007 and to appoint Tammi Cauthen as Chair.

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.

Motion by Mr. Allison, seconded by Mr. Vander Pan to appoint Mark Washburn, Sherry Pacleb, Trey A. Morrison, and Craig D. Fisher to the Parks and Recreation Board for a term to expire October 31, 2007.

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.

Motion by Mr. Schull, seconded by Mr. Allison to appoint David Ramsey, Alfredo Valverde, Sanjiv Shah, Dian M. Price, and James J. Morrill to the Planning & Zoning Commission for a term to expire October 31, 2007.

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.

Motion by Mr. Bailey, seconded by Mr. Sauma to appoint Brian S. Nickelson, Robert E. Cook, Jacquie Messer, L. Murphy Kleuser, and R. Lizbeth Sowell to the Zoning Board of Adjustment/Board of Appeals for a term to expire October 31, 2007.

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.

G-1590 Ordinance Accepting Cozby West Improvements and Levying

Paving Assessments

Mr. Gattis gave the following report: On March 3, 2005, the Council authorized staff to proceed with the paving assessment program for the Cozby West paving project. Paving assessments are used to address the Texas Constitutional limitation (Article 3, Section 52) limiting the spending of public money that benefits private property. Chapter 313 of the Transportation Code provides the procedure for cities to assess a portion of the construction cost to the adjoining land owners that benefit from a street project.

On March 17, 2005, the Council awarded the construction contract for Cozby West Street and adopted the Ordinance of Necessity (Ordinance No. 1186). The actual cost of paving based on the bids is \$73.39 per foot for paving and \$10.00 per linear foot for sidewalk. State law limits the assessment of paving to 90 percent of the total, so the Ordinance of Necessity established the maximum paving assessment at \$66.05 per linear foot for paving and \$10.00 per linear foot for sidewalk. The Ordinance also set May 13, 2005 as the date for the public hearing to determine the benefit of the Project.

On May 13, 2005, the Council held a benefit hearing and determined that the enhancement value of the project was \$34.17 per linear foot. On May 13, Council adopted Ordinance 1187 (Ordinance of Benefit) as well, levying an assessment of \$7,688.25 against Lots G, H & 1B, Block 27, Benbrook Lakeside Addition, owned by Bruce W. Leach, under the paving assessment program. Council also directed staff to collect the same amount from Benbrook United Methodist Church (Lot 1AR, Block 28, Benbrook Lakeside Addition) to satisfy a deed covenant obligating them to pay their share of the road construction.

The project was completed and accepted by the City on September 2, 2005. Council is now requested to adopt the Ordinance of Acceptance (Ordinance 1197) which initiates the invoices for the paving assessments. The property owners may pay the assessment in full within thirty days or may pay it over five years at 8% interest, the interest required by State law. Staff recommends that the Council adopt the Ordinance of Acceptance for the Cozby West Paving Assessment project.

Motion by Mr. Vander Pan, seconded by Mr. Bailey to adopt Ordinance 1197 accepting Cozby West Improvements and Levying Paving assessments as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1197 being **“AN ORDINANCE ACCEPTING IMPROVEMENTS ON A PORTION OF COZBY WEST STREET IN THE CITY OF BENBROOK, TEXAS; DECLARING THE CONTRACT WITH McCLENDON CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF SAID IMPROVEMENTS FULLY COMPLETED AND PERFORMED; DIRECTING THE ISSUANCE, EXECUTION AND DELIVERY OF CERTIFICATES OF SPECIAL ASSESSMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENTS; AND PROVIDING AN EFFECTIVE DATE.”**

SECTION XII

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

G-1591 Consider Design Options for Plantation West Creek Drainage Project

Mr. Gattis gave the following report: One of the major drainage projects included in the 2004 bond program was improvements for Plantation West Creek. Presently, an existing concrete channel exists in the lower 600 feet of the project area while the culvert at Dawn Drive was enlarged in 1990. A previous bond issue included the culvert at Mary's Creek Drive upstream of Twilight Park which has been a location of frequent flooding. However, adjoining landowners blocked this project when they refused to grant necessary easements. The 2004 bond program included \$1,455,800 for the improvements for Plantation West Creek. Approximately \$1,310,363 is available for construction. The original plan called for improvements from the confluence with Mary's Creek upstream to the Dawn Drive culvert. In the initial analysis and preliminary cost estimates, the City engineer utilized the existing concrete channel to maintain the budget target. However, after meeting with residents and further hydraulic modeling, staff determined that the existing concrete channel contains inherent drainage problems rendering it inadequate. That portion of the channel should be replaced. Staff believes that an additional \$200,000 will be available from savings on other projects, allowing the construction budget to be approximately \$1,500,000. The estimated cost of each section is: Confluence to Lower Mary's Creek Drive \$118,026; Lower Mary's Creek Drive to Upper Mary's Creek Drive \$1,138,799; Upper Mary's Creek culvert \$229,170; Upper Mary's Creek Drive to Dawn Drive \$498,480; for a total of \$1,984,475. The cost of building the entire project exceeds the budget available. Staff recommends that the City delete the segment from upper Mary's Creek Drive to Dawn Drive reducing the estimated project cost to \$1,485,995 which is within the \$1,500,000 available.

Mr. Gattis noted that Councilman Sauma had requested staff to evaluate options for

how the channel will affect Twilight Park and to examine the potential for a bridge across the Creek. Staff and the City Engineer examined four options and presented these options to Council.

Staff requests that Council provide direction on the following issues: (1) Project Limits – staff recommends that the project extend from the confluence with Mary’s Creek up to and including the upper Mary’s Creek culvert and (2) Park Options – staff recommends proceeding with option one that was presented (place gabions along the east side of creek and grade west side of creek in Park at a 4:1 slope; this is the base option that is included in the cost estimates).

Mayor Dittrich asked for citizen comments.

Phil Truax of 8701 Mary’s Creek Drive addressed the Council and requested that Council proceed with the project. The following citizens also addressed Council: John Anderson of 3925 Dawn Drive, Jack Shannon of 8613 Elmwood Drive, David Benson of 4300 Twilight Drive South, Anita Hudson of 4101 Twilight Drive South, Tracy Allen of 4208 S. Twilight Drive, and Sam Dobula of 4404 Twilight Drive South. The City’s Engineer, Kelly Dillard with Teague Nall & Perkins, also addressed Council.

Motion by Mr. Sauma, seconded by Mr. Schull to direct staff to proceed as proposed regarding Project Limits and Park Options; Project Limits to extend from the confluence with Mary’s Creek up to and including the upper Mary’s Creek Drive culvert and Park Options to be Option One.

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.

B. CONTRACTS

C-213 Award Contract for Employee Dental Insurance

Sherri Newhouse provided the following report: since November 2003, Metropolitan Life Insurance Company (MetLife) has provided group dental insurance to City employees and their dependents. The current rates are \$19.70 per month for each employee. Dependent premiums are available on a three-tier system and are currently \$44.78 for family

coverage, \$22.53 for spouse only coverage, and \$23.15 for children coverage. Currently fifty employees have dependent coverage. The City's indemnity plan has offered basically the same benefits to employees and covered dependents for the past twenty years. The City currently pays all of the employee premium and subsidizes the family dependent premium by \$13.76 per month. MetLife presented renewal rates that are 14% over current rates; funds are included in the 2005-06 Budget for an up to 15% increase. Staff requested that MetLife present alternate plans that would result in a lower rate increase. MetLife presented three options. Staff analyzed the options and determined that renewal would have the least financial impact on employees. Staff also recommended that employees pay fifty percent of the rate increase for the employee premium and all of the rate increase for the dependent premiums. Employees will pay \$1.38 per month through payroll deduction for employee only coverage. Employees will also have the option of waiving dental coverage.

Staff recommends that Council approve renewing the group dental insurance contract with MetLife to be effective November 1, 2005. Based on one-hundred employees, the City's annual cost for premiums is approximately \$25,296; this cost is based on employees paying \$1.38 per month for employee coverage. Staff also recommends that Council continue the subsidy for family coverage at an estimated annual cost of \$5,449. The total annual cost for the City of \$30,745 is \$4,607 below the 2005-06 Budget allocation of \$35,352.

Motion by Mr. Schull, seconded by Mr. Allison to approve a one-year contract with MetLife for provision of the City's dental insurance as presented to be effective November 1, 2005.

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.

C-214 Award Contract for Winscott/Timbercreek Culvert

Dave Gattis presented the following report: the Capital Improvements Program calls for the enlargement of the Timber Creek culvert under Winscott Road. This is one of the projects included in the 2004 bond issue. The project includes the relocation of a water line, for which the Benbrook Water Authority will repay the cost (shown as Additive Alternate on bid tabulation). The project will remove about twenty houses from the 100-year floodplain. Staff opened bids for the project on Wednesday, September 21, 2005 with the following

results: Laughley Bridge & Construction \$159,482; Linder Construction \$184,309.50; Jackson Construction \$178,597; Tri-Tech Construction \$199,342; and Orval Hall Excavation \$254,202.

Laughley Bridge & Construction has built two projects for the City in the past (Tara Bridge and Timber Creek upstream gabions), and the City Engineer is familiar and satisfied with their work. The CIP has allocated \$168,866 for construction of this project, whereas the City Engineer's most recent estimate was \$139,500. Adequate funds are available for this project in the Capital Project fund from bonds sold in 2004. Staff recommends that City Council award the contract for the construction of the Winscott/Timber Creek culvert improvements to Laughley Bridge & Construction, Inc. in the amount of \$159,482 to be paid from account 04-3013-5219.

Motion by Mr. Allison, seconded by Mr. Bailey to award the contract for the construction of the Winscott/Timber Creek culvert improvements to Laughley Bridge & Construction, Inc. in the amount of \$159,482 to be paid from account 04-3013-5219.

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.

VI. OTHER MATTERS OF BUSINESS

Mayor Dittrich encouraged citizens and businesses to support Brownie Troop 2502's efforts to seed bluebonnets in Benbrook and requested City Manager, Cary Conklin, to serve as facilitator.

The Benbrook community was applauded for having an overwhelming number of qualified applicants for the City's Boards and Commissions.

VII. INFORMAL CITIZEN PRESENTATION

VIII. ADJOURNMENT

Meeting adjourned at 9:28 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary