

**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, OCTOBER 20, 2005**

The regular meeting of the Benbrook City Council was held on Thursday, October 20, 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  
David Gattis, Assistant City Manager  
Andy Wayman, Assistant City Manager  
Sam Horan, Police Chief  
Tommy Davis, Fire Chief

Others Present:

Ed Gallagher, City Planner  
Dorcas Neuman, Benbrook News  
Jackie Hartman  
Debra Hartman  
Hunter Hartman  
Patty Bissey  
Bill Smith  
Daniel Tully  
Brian Davis  
Charlie Stevens  
Sam Balkum  
Several Government Students from WHHS  
and 15 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. 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 October 6, 2005**
- 2. Minutes of the worksessions held September 21, 2005 and September 22, 2005**
- 3. Confirm Appointment to Civil Service Commission**

Motion by Mr. Vander Pan, seconded by Mr. Allison to approve the consent agenda as presented with word correction to minutes of October 6, 2005.

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. PROCLAMATION/AWARDS/RECOGNITION**

- 1. Employee Recognition  
Jackie Hartman – Fire Lieutenant – 5 Years Service**

Mayor Dittrich presented Fire Lieutenant Jackie Hartman with a Certificate of Appreciation for his five years service to the citizens of Benbrook.

### **V. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION**

- 1. Present Merit Award Received by Benbrook EDC by the Texas Economic Development Council**

Patty Bissey, with the Benbrook Economic Development Corporation presented City Council with the Merit Award received by the Benbrook EDC by the Texas Economic Development Council (TEDC). The TEDC is an Austin based statewide professional association dedicated to the development of economic and

employment opportunities in Texas. TEDC provides information, educational and legislative services to nearly 900 members. The Council's objective is to expand existing industry, recruit new firms to the state and develop strategies that promote a positive business climate in Texas.

In September the TEDC notified the Benbrook EDC that it was one of 11 communities nominated for the CEDA and would be recognized at the organization's October 5<sup>th</sup> Annual Conference in San Antonio with a Community Economic Development Award. Benbrook was entered in Category III, which included cities in the population range of 15,001 to 40,000. The recipient of the CEDA for this population category was presented to Denison.

Director Ron Rainey attended the Annual Conference in San Antonio earlier this month and accepted the Merit Award on behalf of the Benbrook EDC.

## **VI. PRESENTATION BY PLANNING AND ZONING COMMISSION**

**PZ-2005-04 Approval of Land Use Plan Amendment for Planning Area "A" (Team Ranch Development area, west of U.S. Highway 377/Benbrook Blvd., north of Union Pacific Railroad, east of IH20/Loop 820, and south of Mary's Creek)**

**PZ-2005-05 Ordinance Rezoning Block 1, Team Ranch Phase 1A from "D" Multiple Family District to "CF" Community Facilities District (Northeast of the intersection of Bluestem Drive and Loop 820)**

Mr. Gattis announced that there might be some citizens in the audience under the impression that these two items affect residents in the Whitestone area. He stated a notice was delivered to citizens in the Whitestone area by unknown persons that misidentify the property under consideration at tonight's meeting.

### **PZ-2005-04**

Mr. Gattis gave the following report on item PZ-2005-04: Team Ranch Development proposes an amendment to the Land Use Plan element of the Benbrook Comprehensive Plan. The project includes the majority of the portion of Planning Area "A" located south of Mary's Creek. The proposed amendment is to change the Land Use Plan designation on a 13.95-acre site northeast of the intersection of Bluestem Drive and Loop 820 from the current High Density Multi-family category to the Community Facilities category to provide for a church use.

With a reduction in the High density Multi-family category and the resulting reduction in the volume of apartment dwelling units, a slightly lower overall population projection can reasonably be expected to occur. Also, a slight reduction in the City can be expected in ratio of multiple family to single-family dwelling units. The proposed amendment would not affect the compatibility with other land uses in the

area. The proposed use will alter the timing and volume of traffic, but adjacent roads are sufficient.

In addition to the amendment proposed by Team Ranch Development, staff proposed amendments to increase the Community Facilities category to reflect the recent expansion of the existing parkland near Walnut Creek at the south end of Team Ranch. The increased parkland and Community Facilities category occurred with the recent final plat of the La Bandera Phase III, south of Cook Ranch Road.

After holding a public hearing, the Planning and Zoning Commission unanimously recommends approval of the amendment to the Land Use Plan as part of the Comprehensive Plan.

### **PZ-2005-05**

Mr. Gattis gave the following report on item PZ-2005-05: The rezoning application submitted is in conjunction with the Land Use Plan amendment to designate the subject property Community Facilities. The landowner currently has a contract to sell the property to University Park Church. Zoning regulations must be in conformance with the Land Use Plan.

The Religious Land Use and Institutionalized Persons Act of 2002 states that no government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly or institution is:

- (a) in furtherance of a compelling governmental interest; and
- (b) is the least restrictive means of furthering that compelling governmental interest.

After holding a public hearing, the Planning and Zoning Commission unanimously recommends that City Council adopt the ordinance rezoning 13.95 acres from "D" Multiple Family District to "CF" Community Facilities District.

Mayor Dittrich declared the public hearing open at 7:45 p.m. Ms. Emma Pravet, 7304 Royal Oak spoke against apartments being built in the area. Mayor Dittrich advised Ms. Pravet that the property under consideration was located in another part of town from her location. He advised that for members of the audience that believed this property is subject to the "flyer" they received, staff would be available after the meeting to discuss the location.

Mr. Charlie Stevens, landowner of the subject property request that City Council delay action on this item until a November meeting due to a timing conflict with the closing of the Church closing.

With no other speakers, Mayor Dittrich closed the public hearing at 7:48 p.m.

Motion by Mr. Allison, seconded by Mr. Stowe to delay action of PZ-2005-04 and PZ 2005-05 until November 17, 2005 council meeting.

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.

## **VII. REPORTS OF CITY MANAGER**

### **A. GENERAL**

#### **G-1592 Resolution – Grant Application for Special Narcotics Investigator Position to the Governor’s Criminal Justice Division**

Sam Horan gave the following report: The Benbrook Police Department has participated in the Metro Narcotics Intelligence and Coordination Unit (MNICU) since 1989. MNICU provides coordinated regional narcotics prevention and enforcement. A Benbrook police sergeant is assigned to MNICU and serves as a Special Narcotics Investigator in the west sector. His salary is jointly funded by MNICU and the City of Benbrook. MNICU received funding from the Byrne Grant, administered by the Criminal Justice Division of the Texas Governor’s Office. All participating MNICU members work under an interagency agreement.

Each year, the City Council must approve the application for grant funds and submit a resolution stating that matching funding will be provided.

In September 2005, the Criminal Justice Division announced the cancellation of the Federal Byrne Formula Grant program. Current Byrne funded grantees are eligible to apply for continuation of funding through March 31, 2006. In the next few months, the Criminal Justice Division plans to implement a new program that emphasizes statewide collaboration between federal, state and local agencies. Until details of the new program are available, ongoing funding availability for the Special Narcotics Investigator position is unknown.

If funding for the Special Narcotics Investigator position is unavailable after March 31, 2005, staff will utilize a currently funded but unfilled position (COPS Grant) in the Police Department to fund the Special Narcotics Investigator position.

Motion by Mr. Vander Pan, seconded by Mr. Schull to adopt Resolution 2005-19 authorizing the grant submission for the Special Narcotics Investigator position for

the period of October 1, 2005 through March 31, 2006 to the Governor's Criminal Justice Division.

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.

Resolution 2005-19 being **"A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE SPECIAL NARCOTICS INVESTIGATOR TO THE TEXAS GOVERNOR'S CRIMINAL JUSTICE DIVISION."**

**G-1593      Conduct Public Hearing on the Hazard Mitigation Plan for the City of Benbrook**

Mr. Gattis gave the following report: The Disaster Mitigation Act of 2000 requires all local governments to submit a Hazard Mitigation Plan by November 2004 to be eligible for certain federal mitigation grants. Benbrook submitted its original plan in September 2004 as part of a multi-jurisdictional plan with the North Central Texas Council of Governments. In April 2005, FEMA rejected NCTCOG's multi-jurisdictional plan as deficient. Revisions have still not been completed. Staff is recommending that we proceed with a single jurisdiction plan.

The Hazard Mitigation Plan was prepared by City staff and with two previous opportunities for public comment. The Plan includes an assessment of risks, vulnerability to damage, and mitigation goals, strategies and projects.

The Hazard Mitigation Plan includes a review of all of the potential natural hazards that may affect Benbrook and identified flooding, tornadoes/high winds, hail, expansive soil, and stream bank erosion as the top five hazards of concern. For each hazard, staff has identified various mitigation projects that could be eligible for future funding.

The City Council previously adopted the draft Hazard Mitigation Plan by Resolution 2004-12 in September 2004. However, that Resolution assumed we were participating in the Multi-Jurisdictional Plan. The process requires considerable public input, the Council should take this opportunity to hold a public hearing.

FEMA does not want the City to adopt the Plan at this time, since they will probably make changes before it is finalized. The City Council will be asked to adopt the Plan once it is final.

Mayor Dittrich declared the public hearing open at 8:08 p.m. No one in the audience spoke to the item. Mayor Dittrich closed the public hearing at 8:09 p.m.

No action required on this item.

## **B. CONTRACT**

### **C-2154 Ratify Contract with Emergency Communications Network for CodeRED Notification System**

Mr. Conklin gave the following report: The CodeRED emergency notification system is a high-speed emergency telephone communication service that delivers user customized recorded emergency messages directly to homes and businesses at a call rate of up to 60,000 calls per hour based on a 30-second message. CodeRED allows the City to generate emergency broadcasts from any location via a secure CodeRED internet portal. Importantly, CodeRED can be used 24 hours a day, 365 days a year for notifications including evacuations, flooding information, power or utility interruptions, missing children, and hazardous material situations. CodeRED also provides innovative mapping technology that can specify areas for message delivery – from individual streets, to subdivisions, to the entire City.

Emergency Communications Network has nearly 200 city/county customers. No city or county has ever dropped the service. CodeRED is the calling backbone for “A Child is Missing” and the National Center for Missing and Exploited Children. It is also a highly successful tool for locating residents who are lost or misplaced. Code RED is FEMA and Storm Ready friendly.

The system allows up to five operators with password access and PINS. The Fire Department captains will train and implement the CodeRED program. Citizens may provide a preferred contact number such as cell phones for emergency contact.

For fiscal year 2005/2006, City Council budgeted \$14,000 for CodeRED, which includes:

- One year service agreement
- 40,000 minutes of system time
- initial residential database upload
- training

Although unlikely, additional system time can be purchased for 35¢ a minute. The cost of additional years of service is \$7,000 for 40,000 system minutes.

Motion by Mr. Sauma, seconded by Mr. Schull to ratify the contract with the Emergency Communications Network for the CodeRED system at a cost of \$14,000 for the first year of service.

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.

**C-216            Authorize Contract with HNTB Corporation for Benbrook Blvd. Corridor Master Plan**

Mr. Gattis gave the following report: As part of the future expansion of Benbrook Boulevard (U.S. 377), the City has expressed an interest in improving the overall appearance of the corridor. The goal is to transform the current rural highway design to a more pleasant urban boulevard design. To accomplish this, the staff is recommending that the City retain an urban design consultant. The consultant will review and recommend improvements for the streetscape (including landscaping and street furniture) to accommodate a pleasant pedestrian and shopping environment while improving the capacity and efficiency of vehicular traffic.

The staff has negotiated a sole-source contract with HNTB Corporation to perform the necessary studies. HNTB is a national transportation and urban design company with considerable experience in corridor master plans. Among their recent projects is a Conceptual Streetscape Masterplan for Historic Camp Bowie. They have also performed corridor studies for several other communities in North Texas.

Among other things, the project will include extensive public involvement and will include computer visualizations of the future corridor. The consultants will also conduct a cursory review of existing ordinances addressing code issues relative to the corridor. However, the City will ultimately determine the ordinances revisions.

In addition to the urban design work to be performed by HNTB Corporation, the staff has arranged for the North Central Texas Council of Governments to provide extensive traffic modeling and to recommend designs that comply with NCTCOG's Center for Development Excellence Sustainable Development guidelines for the Uniform Transportation Work Program at no cost to the City.

Based on early discussions with HNTB in 2004, the staff included \$20,000 in this year's budget to perform the project. After requesting a proposal for an extensive scope of work, HNTB proposed an initial fee of \$87,000. The staff and consultant has since negotiated the scope and fee to \$49,360. The Benbrook

EDC approved funding of one-half of the cost at their October 17, 2005 meeting. The remaining \$5,000 will be paid from the Community Development general consulting budget.

Motion by Mr. Allison, seconded by Mr. Bailey to authorize the City Manager to execute the attached contract with HNTB Corporation to prepare a Corridor Master Plan for Benbrook Boulevard (U.S. 377) for a fee not to exceed \$50,000.

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.

**VIII. OTHER MATTERS OF BUSINESS**

**IX. INFORMAL CITIZEN PRESENTATION**

**X. ADJOURNMENT**

Meeting adjourned at 8:30 P.M.

**APPROVED:**

\_\_\_\_\_  
**Jerry B. Dittrich, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Joanna King, City Secretary**