

**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 6, 2006  
911 WINSCOTT ROAD, BENBROOK, TEXAS  
PRE-COUNCIL WORKSESSION 7:00 P.M.  
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.
2. Receive other information from staff and Boards & Commissions.

**REGULAR MEETING 7:30 P.M.  
COUNCIL CHAMBERS  
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

**I. CALL TO ORDER**

**II. INVOCATION – Pastor Gary Oliver with Tabernacle of Praise  
PLEDGE OF ALLEGIANCE**

**III. MINUTES**

1. Minutes of the regular meeting held March 16, 2006

**IV. PROCLAMATION/AWARDS/RECOGNITION**

1. Proclamation Establishing April as FitFuture Month

**V. CITIZEN REQUEST**

1. Benbrook Area Chamber of Commerce - Benbrook Green Garden Day
2. Rita Stokes – Plantation East Drainage Project

**VI. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION**

EDC-2006-02          Ratify Benbrook Economic Development Corp. By-Laws

**VII. PRESENTATION BY PLANNING AND ZONING COMMISSION**

**VIII. REPORTS OF CITY MANAGER**

**A. GENERAL**

- G-1613    Consider Status of Plantation East Creek Project (continued from 3-2-06 meeting)
- G-1618    Ordinance Amending Chapter 10.16 – Commercial Vehicles of the Benbrook Municipal Code by amending Section 10.16.140 Parking of Trucks, Buses, etc. on City Streets

**B. CONTRACT**

C-218      Contract for Traffic Signal Installation - Winscott Road and Lakeside Drive

**IX. OTHER MATTERS OF BUSINESS**

1. Certificate of Unopposed Candidates and Ordinance Canceling for May 13, 2006 General Election

**X. INFORMAL CITIZEN COMMENTS**

**XI. ADJOURNMENT**

Worksession

1. Briefing by Tarrant Regional Water District
2. Hotel/Motel Bed Tax Reimbursement Issues
3. City Provided Liability Insurance to Certain Non-Profit Organizations



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, MARCH 16, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, March 16, 2006 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  
Shawna Cortez, Assistant to City Manager  
David Ragsdale, Comptroller  
Phyllis Wolfe, IT Coordinator  
Donna Savage, Assistant to City Secretary

Others Present:

Dorcas Neuman, Benbrook News  
Ed Gallagher  
Valerie Stowe  
Daniel Tully  
Robert Loritz  
and 9 other citizens

**I. CALL TO ORDER**

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

**II. INVOCATION  
PLEDGE OF ALLEGIANCE**

Invocation was given by Mr. Ryan Justice with Trinity Hills Baptist Church  
The Pledge of Allegiance was recited.

### **III. MINUTES**

#### **1. Minutes of the regular meeting held March 2, 2006**

Motion by Mr. Allison, seconded by Mr. Bailey to approve the minutes of the March 2, 2006 regular meeting.

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. PRESENTATION BY PLANNING AND ZONING COMMISSION**

### **V. REPORTS OF CITY MANAGER**

#### **A. GENERAL**

##### **G-1614 Comprehensive Annual Financial Report for 2004-2005**

Mr. Ragsdale gave the following report: This is the City's second report that conforms to the GASB 34 reporting requirements. This is also the second time the report was prepared for on-line distribution.

The Financial Section contains the Auditor's Opinion, the Management Discussion and Analysis, the Basic Financial Statements, the Required Supplementary Information, and the Combining and Individual Fund Statements.

The Statistical Section contains tables reflecting social and economic data, financial trend data, and information on the City's fiscal capacity.

One of the main themes behind the new reporting requirement was to force cities to look at the long-term financial picture. In prior years, we would have looked at Deposits & Investments. The new reporting format requires the City to list Capital Assets (buildings, roads, bridges, parks, etc.) and then depreciate them. Capital Assets total \$91.5 million, but more than \$41 million of those assets have been depreciated. The theory is that the greater the depreciation number the more critical that the government invest in the replacement of Capital Assets. Investment in Capital Assets presents the total Capital Assets less depreciation less any debt still outstanding on those assets.

The Statement of Activities presents the cost for each operational area less any revenue produced by that area. No area of the City's operations pays for itself. This statement clearly demonstrates that the City could not operate without the other "General Revenues".

The spreadsheets found on pages 10 and 12 of the audit are more traditional presentations. After each of these spreadsheets, there is a reconciliation providing direction to the two new presentations.

Motion by Mr. Vander Pan, seconded by Mr. Schull to accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2005 and authorize the staff to make payment of \$21,500 to Weaver and Tidwell, L.L.P. from account 01-21-01-5216.

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.

### **G-1615 Financial Report for Month Ending February 28, 2006**

Mr. Conklin gave the following report: the General Fund Revenues for the month of February totaled \$1,399,201. Most of this amount came from Property Taxes. The only other significant revenues came from Sales Taxes and Other Taxes, and Franchise Taxes.

February General Fund Expenditures totaled \$723,368. At the end of February, revenues exceeded expenditures by \$3,296,442.

Economic Development Corporation revenues were \$82,482 while expenditures were \$96,227. For the year, expenditures exceed revenues by \$244,574.

The City's investments were \$11,248,688 at February 28, 2006. This entire amount is available immediately if needed.

Motion by Mr. Stowe, seconded by Mr. Sauma to accept the financial report for the month ending February 28, 2006.

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.

**G-1616      Special Narcotics Investigator Funding**

Chief Sam Horan gave the following report: The Benbrook Police Department has participated in the Narcotics Enforcement Program with Tarrant since 1989. Currently, the City has one grant-funded officer assigned to the Narcotics Task Force. Due to legislative changes, Benbrook was awarded individual grant funding for the program through the Federal Byrne Grant. On October 20, 2005, City Council was advised that the Byrne Grant would end on March 31, 2006. Cities that desire continued participation in the Narcotics Task Force are responsible for all funds necessary to support the position.

The Police Department's budget includes funding for the City's' matching portion of a COPS grant position. In February, the city received notification that the COPS grant is closing and COPS grant funding will not be provided. Since the COPS grant position will not be filled, staff recommends utilizing the COPS matching funds for the Special Narcotics Investigator position. The funding is sufficient for participation in the Narcotics Task Force for the remainder of the fiscal year. For FY 2006/2007, the Police Department will evaluate continued participation in the Narcotics Task Force and make a recommendation through the budget process.

Following discussion, motion by Mr. Allison, seconded by Mr. Schull to approve the deletion of the COPS grant position and allocate the funding to support the Special Narcotics Investigator position.

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-1617      Resolution Authorizing the Execution of the Gas Standing Steering Committee Participation Agreement**

Shawna Cortez gave the following report: In 1996, approximately 30 cities formed the Gas Cities Steering Committee in response to a gas rate filing by Lone Star Gas Company. The gas distribution systems have been consolidated, and the gas company has filed rate cases annually. With the passage of the Gas Reliability Infrastructure Program (GRIP) statute, frequent fillings will likely continue. The current Steering Committee has recommended the establishment of the Gas Standing Steering Committee, which will have a more formal organizational structure. This structure will enable a faster response to these frequent fillings, and is similar to the Electric Standing Steering Committee, of which Benbrook is a member. The GSSC will have the authority to act for members with each member retaining the ability to opt out of any proposed rate case action.

An initial participation fee of five cents per capita is being assessed for legal and consulting fees for current and upcoming gas utility regulatory and rate-making cases to preserve cities' authority and reduce gas costs. Benbrook's participation fee is approximately \$1,100.

Motion by Mr. Stowe, seconded by Mr. Sauma to adopt Resolution No. 2006-03 authorizing execution of the Gas Standing Steering Committee Participation Agreement and payment of a five-cent per capita participation fee of \$1,100 from account 01-15-01-5219.

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.

Resolution No. 2006-03 being **“A RESOLUTION AUTHORIZING THE EXECUTION OF THE GAS STANDING COMMITTEE PARTICIPATION AGREEMENT”**

**VI. OTHER MATTERS OF BUSINESS**

**VII. INFORMAL CITIZEN PRESENTATION**

**VIII. EXECUTIVE SESSION – Pursuant to the Texas Government Code**

- 1. Section 551.071 – Consultation with City Attorney Regarding Settlement Offer from Charter Communications**
- 2. Section 551.072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4020 Tara Drive**
- 3. Section 551.072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4100 Tara Drive**

Mayor Dittrich recesses the regular meeting at 7:56 p.m. to conduct an Executive Session.

**IX. RECONVENE FROM EXECUTIVE SESSION –Take any necessary action**

Mayor Dittrich called the regular meeting back to order at 8:40 p.m.

- 1. Section 551.071 – Consultation with City Attorney Regarding Settlement Offer from Charter Communications**

Motion by Mr. Schull, seconded by Mr. Sauma to authorize the City Manager to sign the proposed Settlement Agreement with Charter Communications on behalf of the City of Benbrook.

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

**2. Section 551.072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4020 Tara Drive**

Motion by Mr. Vander Pan, seconded by Mr. Bailey to approve total compensation for the land and improvements at 4020 Tara Drive in the amount of \$17,543.50.

Vote on the Motion:

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

Noes: Mr. Stowe, Mr. Sauma

Motion carries 5-2.

**3. Section 551.072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4100 Tara Drive**

Motion by Mr. Schull, seconded by Mr. Sauma to accept the counter-offer from Jack Chaney at 4100 Tara Drive 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.

**X. ADJOURNMENT**

Meeting adjourned at 8:47 p.m. followed by a worksession to discuss wireless project.

**APPROVED:**

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

**ATTEST:**

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

# BENBROOK ECONOMIC DEVELOPMENT CORPORATION

## Bylaws

### ARTICLE I: OFFICES

**1.01 Location.** The principal office of the Benbrook Economic Development Corporation (the "corporation") is located at 911 Winscott Road, Benbrook, Texas.

### ARTICLE II. DIRECTORS

**2.01 Number, Appointment, and Term of Office.** The business and affairs of the corporation shall be managed by a board of seven directors (the "board"). Directors shall be appointed by the city council, and at least three directors must not be employees, officers, or members of the city council. Each member of the board shall serve at the pleasure of the city council for a term of two years. Each director shall be a resident of the city and is entitled to one vote upon the business of the corporation. A board member is deemed to have forfeited its place on the board if such board member fails to attend three consecutive regular meetings of the board of directors without review and approval of the board.

**2.02 Vacancies.** In case of a vacancy on the board, the city council shall appoint a successor to serve the remainder of the unexpired term.

**2.03 Regular Meeting; Place of Meetings.** Regular meetings shall be held on the third Monday of each month and shall be held at the city council chambers, 911 Winscott Road, Benbrook, Texas, 76126, unless otherwise determined by resolution of the board. A meeting of the board for the election of officers and the transaction of other business shall be held on the third Monday in November of each year, unless changed by resolution of the board. All meetings shall be called and held in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government, as amended.

**2.04 Special Meetings.** Special meetings of the board may be called by the president on three days' notice to each director, either personally, by mail, or electronic communication. Special meetings shall be called by the president or secretary by giving the same notices, or at the request of two directors to either the president or secretary.

**2.05 Quorum.** A majority of the membership of the board, including vacancies, shall constitute a quorum for the transaction of business.

**2.06 Order of Business.** The order of business shall be determined by the board.

**2.07 Presiding Officer.** At all meetings of the board, the president, or in the president's absence, the vice-president, or in the absence of both of these officers, a member of the board selected by the directors present shall preside. The secretary of the corporation shall sit as secretary at all meetings of the board, and in case of the secretary's absence, the presiding officer shall designate any person to act as secretary.

**2.08 Management.** The property and business of the corporation shall be managed by the board which may exercise all powers of the corporation.

**2.09 Additional Powers.** In addition to the powers conferred by these by-laws, the board may exercise all powers of the corporation and do all lawful acts and things that are not prohibited by statute, or these by-laws including, but not limited to the following powers:

(1) To purchase, or otherwise acquire for the corporation, any property, rights, or privileges which the corporation is authorized to acquire, at such price or consideration and generally on such terms and conditions as they determine to be appropriate, and at their discretion to pay therefore either wholly or partly in money, notes, bonds, debentures, or other securities or contracts of the corporation as may be lawful.

(2) To create, make and issue notes, mortgages, bonds, deeds of trust, trust agreements and negotiable or transferable instruments and securities, secured by mortgage or deed of trust on any real property of the corporation or otherwise, and to do every other act or thing necessary to effect the same.

(3) To sell or lease the real or personal property of the corporation on such terms as the board may see fit and to execute all deeds, leases and other conveyances or contracts that may be necessary for carrying out the purposes of this corporation.

### **ARTICLE III. - OFFICERS**

**3.01 Compensation of Directors and Officers.** Directors and officers shall not receive any salary for their services but by resolution of the board, expense incurred in the corporation's business may be reimbursed.

**3.02 Executive Officers.** The executive officers of the corporation shall be a president, vice-president, secretary and treasurer. The board shall elect these officers from its members at the first regular meeting following term appointments by City Council. The board may appoint such other officers as they deem necessary, who

shall have such authority, and shall perform such duties as from time to time may be prescribed by the board. The board may retain an executive director of the corporation and such staff as may be necessary to provide administrative support services for the corporation. The executive director shall be a non-voting ex-officio member of the board.

**3.03 Powers and Duties of the President.** The president shall preside at all meetings of the directors. He or she shall have power to sign and execute all contracts and instruments of conveyance in the name of the corporation, to sign checks, drafts, notes and orders for the payment of money, and to appoint and discharge agents and employees, subject to the approval of the board. He or she shall have general and active management of the business of the corporation, and shall perform all the duties usually incident to the office of president.

**3.04 Vice-President.** The vice president shall have such powers and perform such duties as may be delegated to him or her by the board. In the absence or disability of the president, the vice-president may perform the duties and exercise the powers of the president.

**3.05 Power and Duties of the Secretary.** The secretary shall keep the minutes of all meetings of the board in books provided for that purpose; shall provide all notices, may sign with the president, or a vice-president, in the name of the corporation, all contracts and instruments of conveyance authorized by the board, and affix the seal of the corporation thereto; shall have charge of the books and papers of the board, and shall in general perform all the duties incident to the office of secretary, subject to the control of the board. Records of the corporation shall be maintained and filed in the office of the Benbrook Economic Development Corporation.

**3.06 Treasurer.** The treasurer shall have custody of all funds and securities of the corporation and shall endorse on behalf of the corporation for collection, checks, notes and other obligations and shall deposit the same to the credit of the corporation in such bank or depository as the board may designate. Whenever required by the board the treasurer shall render a statement of the corporation's cash account; enter regularly in the books of the corporation, a full and accurate account of the corporation; and perform all acts incident to the position of treasurer, subject to the control of the board. All written statements and accounts shall be maintained and filed in the office of the director of finance for the city. The treasurer shall give a bond for the faithful discharge of his duties in such sum, if any, as the board may require.

## ARTICLE IV. CORPORATION SEAL

No corporate seal shall be required.

## ARTICLE V. FISCAL YEAR

The fiscal year of the corporation shall begin on the first day of October and terminate on the 30th day of September in each year.

## ARTICLE VI. MISCELLANEOUS

**6.01 Notices and Waivers.** Whenever under the provisions of these bylaws notice is required to be given to any director or officer, unless otherwise provided, the notice may be given personally, or it may be given in writing by depositing it in the post office or letter box in a post paid envelope or postal card addressed to the director or officer, at the address as appears on the books of the corporation, and the notice shall be deemed to be given at the time when it is mailed. Whenever any notice to directors or officers is required to be given by law, or by these bylaws, a waiver in writing signed by the person or persons entitled to the notice, whether before or after the time stated shall be deemed the equivalent of notice. This paragraph does not eliminate the requirement to comply with the Open Meetings Act.

**6.02 Negotiable Instruments.** All checks, drafts, notes or other obligations of the corporation shall be signed by such of the officers of the corporation or by such person or persons as may be authorized by the board. All checks shall require the signature of two persons.

**6.03 Resignations.** Any director or officer may at any time resign. Resignations shall be made in writing and shall take effect at the time specified in the resignation, or, if no time be specified, at the time of its receipt by the president or the secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

**6.04 Approval of the City Council.** To the extent these bylaws refer to any approval or other action to be taken by the city, that approval or action shall be evidenced by a certified copy of a resolution, ordinance, or motion duly adopted by the city council.

**6.05 Organizational Control.** The city council at its sole discretion, and at any time, may alter or change the structure, organization or activities of the corporation (including the termination of the corporation), subject to any limitation on the impairment of contracts entered into by such corporation. The foregoing notwithstanding, the city, at

all times during which any indebtedness of the corporation, the interest on which is exempt from federal income taxation, remains outstanding, will maintain a beneficial interest in the corporation.

## **ARTICLE VII. PROVISIONS REGARDING BYLAWS**

These bylaws shall become effective only upon the occurrence of the following events:

- (1) the approval of these bylaws by the city council; and
- (2) the adoption of these bylaws by the board of directors.

These bylaws may be amended at any time and from time to time either by majority vote of the directors then in office with approval of the city or by the city itself, at the sole discretion of the city council.

These bylaws shall be liberally construed to effectuate their purposes. If any word, phrase, clause, sentence, paragraph, section or other part of these bylaws, or the application thereof to any person or circumstances, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these bylaws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these bylaws to any other person or circumstance shall not be affected thereby.

## **ARTICLE VIII. DISSOLUTION OF CORPORATION**

It shall not be the purpose of this corporation to engage in carrying on propaganda or otherwise attempting to influence legislation. Upon the dissolution of the corporation after payment of all obligations of the corporation, all remaining assets of the corporation shall be transferred to the City of Benbrook, Texas.

I hereby certify that the foregoing bylaws are the true and correct bylaws of the corporation as approved by the Benbrook City Council on \_\_\_\_\_, 2006, and amended by the Benbrook Economic Development Corporation on the 20<sup>th</sup> day of March, 2006..

Signed copy available at City Hall, 911 Winscott Rd. Benbrook, Texas.

Secretary

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# City of Benbrook

## CITY COUNCIL COMMUNICATION

|   |                             |  |                 |
|---|-----------------------------|--|-----------------|
| DATE:<br>04/06/06<br>03/02/06<br>02/16/06 | REFERENCE NUMBER:<br>G-1613 | SUBJECT:<br>Consider Status of Plantation East Creek Project (postponed 02/16/06 and 03/02/06) | PAGE:<br>1 of 4 |
|---|-----------------------------|--|-----------------|

One of the projects included in the 2004 bond program was the enlargement of the Plantation East Creek channel behind Tara Drive. The main purpose of the project was the removal of approximately 20 houses along Tara and Plantation Drives from the 100-year floodplain. The underground box culvert constructed in the early 1990s was constrained by the distance available between two houses and does not carry the full 100-year flood.

The design was completed in late 2005 and the City began requesting easements on November 17, 2005. At the end of December, the City had obtained four easements by donation. The staff then began offering fair market value (\$1.50/square foot for the permanent easement, plus \$300 for the temporary easement) starting January 6, 2006. Residents donated several more easements while the City purchased three easements at a total cost of \$5,664. As of the beginning of April, we have obtained 12 of the 22 easements necessary to build the project (Two more than we had in February. We have not heard a response to our counter-offer to Jack Bostick.) We also have received one letter refusing to donate (see attached.)

The original bond issue included approximately \$1,009,000 for the Tara Channel, with \$97,000 of that amount allocated to engineering. Approximately \$40,000 has been used for surveying. This leaves \$872,000 available for construction. The latest cost estimate for the project (June 2005) was \$802,735. Staff is concerned that legal fees alone may consume the remaining \$69,265 if condemnation proceedings are necessary against all 10 property owners.

The options available to the City Council include:

1. Authorize staff to proceed with condemnation proceedings to obtain the remaining drainage easements. This will involve hiring an appraiser to make an appraisal of the fair market value of each easement, attorney's fees, condemnation court commissioner's fees, expert witness fees (City engineer and appraiser), plus any amount awarded to the landowner for each easement, or
2. Postpone the project indefinitely and reconsider the project sometime in the future as part of another bond program. Money not used for this project can be used for other drainage projects or to pay off the bonds early.

While postponing the project will leave property owners subject to federal flood insurance requirements if they have a federally-insured loan, the risk of actual flooding was greatly reduced by the 1992 drainage project.

|               |  |                                 |
|---------------|--|---------------------------------|
| SUBMITTED BY: | DISPOSITION BY COUNCIL:<br><input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE) | PROCESSED BY:<br>CITY SECRETARY |
| CITY MANAGER  |  | DATE:                           |

|   |                                |   |                      |
|---|--------------------------------|---|----------------------|
| DATE:<br>04/06/06<br>03/02/06<br>02/16/06 | REFERENCE<br>NUMBER:<br>G-1613 | SUBJECT:<br>Consider Status of Plantation East Creek Project<br>(postponed 02/16/06 and 03/02/06) | PAGE:<br>Page 2 of 4 |
|---|--------------------------------|---|----------------------|

**RECOMMENDATION**

Staff recommends that the City Council delay the Plantation East Creek (Tara Channel) project indefinitely. Any existing easements should be retained and the project reconsidered in five to ten years as part of another bond program.

DATE:

04/06/06  
03/02/06  
02/16/06

REFERENCE  
NUMBER:  
G-1613

SUBJECT:

Consider Status of Plantation East Creek Project  
(postponed 02/16/06 and 03/02/06)

PAGE:

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*Perry & Rita Stokes*  
*4016 Tara Drive*  
*Ph. 817-244-6135*  
*[RDeanstokes@aol.com](mailto:RDeanstokes@aol.com)*

*March 21, 2006*

David R. Gattis  
City of Benbrook  
Assistant City Manager  
P. O. Box 26569  
Benbrook, Texas 76126-0569

Re: Plantation East Creek Drainage Project

Dear Mr. Gattis:

We are unable to grant the easement requested for this drainage project. It has always been our belief that the Tara Drive channel should not be required to carry all of the run-off water for all of Fort Worth.

We feel that the current plan as presented by Teague, Nall and Perkins is entirely too big. We believe you could get the easements needed if you would allow this channel to be made in more reasonable dimensions. We would be amenable to going deeper, with vertical walls, and no wider than the present channel.

We also believe that you should get a **second opinion** from another Engineer. There has got to be another route to carry some of the water.

We believe you should spend this money that you now have, improving the dirt channel behind the homes on Plantation from Chapin Road to the underground channel. We would like to see you remove that lip that prevents the water from going into the underground.

During these heavy rains over the weekend, we watched the way the water is flowing. This present Tara channel would carry a lot more water than it is now. There are three culverts under the Plantation Bridge and two of them are blocked with dirt and growth. Just clean those out. And at one time Sunday about noon, there was **no water** going into the underground – it was all going down the Tara channel, through **one** culvert. Then after heavier rains, it began to go into the underground and then it was only about one third full.

We don't want to be left with a 40 foot wide gabion-walled ditch for a back yard and no water in it. Our present channel will take all that the dirt channel gives us!

|   |                                |   |                      |
|---|--------------------------------|---|----------------------|
| DATE:<br>04/06/06<br>03/02/06<br>02/16/06 | REFERENCE<br>NUMBER:<br>G-1613 | SUBJECT:<br>Consider Status of Plantation East Creek Project<br>(postponed 02/16/06 and 03/02/06) | PAGE:<br>Page 4 of 4 |
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Page Two  
March 21, 2006

Dave, Perry and I have never asked the City for anything concerning that creek.

Some of our neighbors call and ask you to clean it out from time to time, and Jack Cheney had the City dump cement in there for him. We built our own retaining wall and we keep the creek cleaned out ourselves. We use all the debris that washes down, to protect the sides from erosion

Back in 1986 when our lot was washing away (before the underground) we had a good retaining wall built, at a cost to us of about \$10,000. It is a shame to just tear it out, which is the first thing they will do, according to Kelly Dillard.

I've always loved the creek as part of our landscape and never looked at it as only a drainage ditch. When Perry got sick, with Parkinsons Disease, and we could no longer travel or leave home, we thought having a beautiful back yard, would be enjoyable for us. We then built the deck, and soaked a bundle into landscaping and erosion control. We have loved it; but have only been able to enjoy it for one full summer so far.

I don't mean to be difficult, Dave. I know the spot you are in. You have been very kind in taking my phone calls, and answering questions. I appreciate the job you are doing.

I'm sure the Project would have been cancelled by now, if I had kept quiet about it and not notified M.B. Lee and Alton Bostick about the Council meeting. I'm beating myself up about that.

Please take another look at alternative methods -- such as a duck pond in Palomino Estates Park. That would be pretty and hold a lot of water too. Just straighten out the creek before it gets to the underground and funnel some of it through an underground culvert under Circle S to Palomino Park.

Thanks so much,



Rita Stokes



# City of Benbrook

## CITY COUNCIL COMMUNICATION

|                   |                             |   |                 |
|-------------------|-----------------------------|---|-----------------|
| DATE:<br>04/06/06 | REFERENCE NUMBER:<br>G-1618 | SUBJECT:<br>Ordinance Amending Chapter 10.16 – Commercial Vehicles of the Benbrook Municipal Code by Amending Section 10.16.140 Parking of Trucks, Buses, etc. on City Streets Prohibited | PAGE:<br>1 of 2 |
|-------------------|-----------------------------|---|-----------------|

**BACKGROUND**

Section 10.16.140 of the Benbrook Municipal Code (Ordinance 684) regulates the parking of trucks, buses, trailers and semi-trailers on City streets. The City last updated Section 10.16.140 in 1984.

**PROPOSED UPDATES**

Proposed updates to Section 10.16.140 are noted below. For reference, deletions are in ~~strike through~~ and additions are in *italic*.

**10.16.140 Parking of trucks, buses, *trailers, semi-trailers, etc.*, on city streets ~~prohibited~~.**

It is unlawful for the driver or owner of any ~~trailer~~, bus, truck, van, *truck-tractor* or any other type of *self propelled* trackless conveyance, *other than a recreational vehicle*, which is more than twenty feet in length from bumper tip to bumper tip, more than seven feet in width at its widest point, or more than seven feet in height at its highest point, to park the same, permit the same to be parked or stand on any street in the city *for a period exceeding eight (8) hours*. *It is unlawful for the driver or owner of a trailer or semi-trailer to park the same, permit the same to be parked or stand on any street in the city for a period exceeding eight (8) hours* At no time shall a bus, truck, van, truck-tractor, trailer, semi-trailer, recreational vehicle or other vehicle, when parked or standing pursuant to this chapter, create a driving or safety hazard as reasonably determined by the Chief of Police.

The proposed changes accomplish the following:

1. Eliminates the storage of small utility trailers on City streets. Both City staff and the Police Department believe utility trailers create a driving hazard due to their size and low profile.
2. Allows commercial trucks, moving companies, lawn services, etc. to accomplish work in the City. The previous ordinance, if enforced literally, did not allow for essential commercial activities like UPS deliveries. Previously, the Benbrook Police Department used a common sense approach to enforcement in keeping with the spirit of the ordinance.

|               |  |                |
|---------------|--|----------------|
| SUBMITTED BY: | DISPOSITION BY COUNCIL:<br><input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE) | PROCESSED BY:  |
|               |  | CITY SECRETARY |
| CITY MANAGER  |  | DATE:          |

|                   |                                |   |                 |
|-------------------|--------------------------------|---|-----------------|
| DATE:<br>04/06/06 | REFERENCE<br>NUMBER:<br>G-1618 | SUBJECT:<br>Ordinance Amending Chapter 10.16 –<br>Commercial Vehicles of the Benbrook<br>Municipal Code by Amending Section<br>10.16.140 Parking of Trucks, Buses, etc. on<br>City Streets Prohibited | PAGE:<br>2 of 2 |
|-------------------|--------------------------------|---|-----------------|

3. Corrects a conflict with the Zoning Ordinance. The existing Zoning Ordinance allows the parking of recreational vehicles on City streets for a period not to exceed three (3) hours. As previously adopted, Section 10.16.140 prohibited the parking of any large bus, truck, van, etc. including recreational vehicles, on a City street for any period of time.
4. Provides discretion for the police department to immediately address safety hazards created by the parking of buses, trucks, vans, trailers, etc. on City streets. For examples, a large moving company truck parked on narrow street (Stevens Drive, for example) could create a safety hazard, as would a large truck parked too close to a curb radius.

### **RECOMMENDATION**

Staff recommends that City Council adopt the Ordinance amending Section 10.16.140 of the Benbrook Municipal Code.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

|                   |                               |  |                 |
|-------------------|-------------------------------|--|-----------------|
| DATE:<br>04/06/06 | REFERENCE<br>NUMBER:<br>C-218 | SUBJECT:<br>Contract for Traffic Signal Installation –<br>Winscott Road and Lakeside Drive | PAGE:<br>1 of 2 |
|-------------------|-------------------------------|--|-----------------|

### BACKGROUND

Traffic congestion on Winscott Road and Lakeside Drive has increased over the past several years. As a result, City Council budgeted \$100,000 for FY 2005/2006 to design (\$20,000) and construct (\$80,000) a traffic signal at the Winscott Road/Lakeside Drive intersection. Teague Nall and Perkins completed the engineering design in March at a cost of \$17,150.

### BIDS RECEIVED

As per State Law, the City solicited competitive bids for the traffic signal project. Bids packets were direct mailed to five (5) vendors and advertised in the newspaper.

Listed below are the bids received:

|                        | <u>Cost</u> |
|------------------------|-------------|
| 1. Sharrock Electric   | \$64,826    |
| 2. Durable Specialties | \$77,194    |

Staff anticipated a low number of bids on the project. Traffic signal construction is booming throughout the Metroplex and qualified companies are overwhelmed with projects. The low bidder, Sharrock Electric, considered not bidding the project due to work load. Ultimately, Sharrock submitted a bid to maintain its ongoing relationship with Benbrook. Sharrock Electric previously constructed both Benbrook's City owned traffic signals (on Winscott Road) and currently performs signal maintenance and repair as needed. Sharrock Electric has constructed traffic signals for most major cities adjoining Benbrook and for TXDOT.

Staff and the City Engineer believe the bid from Sharrock Electric is outstanding. It is substantially less than the City Engineer's estimate of construction cost (\$80,000) and constitutes a \$15,174 budgetary savings.

It should be noted that during reconstruction of Winscott Road at Lakeside Drive in 1993, the City placed conduits and pull boxes under the street to accommodate a future traffic signal. This forward thinking nets a project savings of approximately \$15,000 because tunneling underneath Winscott Rd. will not be required.

The metal posts with extension arms must be custom built for most traffic signals. Therefore, staff anticipates that on-site construction will initiate within a few months and be completed by late summer.

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| SUBMITTED BY: | DISPOSITION BY COUNCIL:<br><input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE) | PROCESSED BY:<br>CITY SECRETARY |
| CITY MANAGER  |  | DATE:                           |

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| DATE:<br>04/06/06 | REFERENCE<br>NUMBER:<br>C-218 | SUBJECT:<br>Contract for Traffic Signal Installation –<br>Winscott Road and Lakeside Drive | PAGE:<br>2 of 2 |
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**RECOMMENDATION**

Staff recommends that City Council accept the low bid from Sharrock Electric at a cost of \$64,826 to be paid from account number 01-41-01-5219.