

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JULY 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 Todd Pylant with First Baptist Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held June 15, 2006

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

V. REPORTS OF CITY MANAGER

A. GENERAL

- G-1638 Consider Interlocal Agreement between the City of Fort Worth and the City of Benbrook for Mutual Aid Fire Services
- G-1639 Ordinance Amending Chapter 8.36 – Oil and Gas Wells of the Benbrook Municipal Code
- G-1640 Authorize Condemnation of Drainage Easements for Plantation West Creek Drainage Project
- G-1641 Consider Participation in NAS Fort Worth JRB Joint Land Use Study

B. PURCHASE

- P-249 Purchase Government Access Channel Equipment

VI. OTHER MATTERS OF BUSINESS

VII. INFORMAL CITIZEN COMMENTS

VIII. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 15, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, June 15, 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
Dave Gattis, Assistant City Manager
Donna Savage, Assistant to City Secretary
Shawna Cortez, Assistant to City Manager

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Daniel Tully
Bill Smith
Mr. and Mrs. Ron Rainey
Diane Raffia
Don Lanza
Murphy Kleuser
Norris Williams
Bill Collins
Ronald Witt
Cindia Freiwald
Dan Billings
Eric Counce
Paul Westfall
Keira Koslowsky
Juanita Brown
Anna Claunch
Tommy Loyler
Gary Cox
Charles Fitzgerald
Jim Claunch

Mike Groomer
Dan Burghdoff
and approximately 70 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 Elder Jackie Davis with Tabernacle of Praise
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held June 1, 2006

Motion by Mr. Vander Pan, seconded by Mr. Schull to approve the minutes of the June 1, 2006 regular meeting 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. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2006-04 Approval of Land Use Plan amendment of the Comprehensive Plan for Area "B" reducing Low Density Single Family use and increasing Commerce use (North of I20, east of Winscott Road, and west of Ridglea County Club Estates)

Mr. Gattis gave the following report: The Land Use Plan is part of the City's Comprehensive Plan. The plan is a guide for ultimate development patterns using broad land use categories. The Land Use Plan looks at the overall picture of the City.

The Zoning Ordinance is a bind ordinance used as a means of achieving land use planning. The Zoning Ordinance looks at details such as specific uses, heights, density, setbacks, etc.

The Land Use Plan category for Low-Density Single Family is:

- Single family detached houses
- Densities up to 6 dwelling units per acre
- Includes “A”, “B”, and “BR” zoning districts

The Land Use Plan category for Commerce is used for commercial and office park environments with some light industrial. This category is intended for a campus atmosphere.

The issues to consider when looking at the Land Use Plan are:

Are there any Environmental constraints?

The proposed area is not in a floodplain
 The area is not protected by TxDOT noise barrier
 NAS Fort Worth JRB noise contours
 Area is within BWA Well 17 wellhead protection zone

Are there any access issues?

There is access from the frontage road with the recent ramp relocation
 Access will be available from a future street from the west
 There is no access to Ridglea Country Club Estates

Is this the best land use for this area?

There is freeway frontage
 Area is adjacent to other Commerce designated land

Does it meet the Goals and Objectives in the Comprehensive Plan?

Increases areas for commercial use from 10.16% to 10.66%
 Balances the ratio of multifamily to single family from 49.2% to 49.4%

The Planning and Zoning Commission considered the item at their April 13, 2006 meeting and unanimously recommended the change of the 28.4 acres from “Low Density Residential” to “Commerce”,

Mayor Dittrich declared the public hearing open at 7:41 p.m. The following citizens spoke in opposition to the Land Use Plan amendment:

Diane Raffia
 Don Lanza
 Murphy Kleuser
 Norris Williams
 Bill Collins
 Ronald Witt
 Cindia Freiwald
 Dan Billings
 Eric Counce

Paul Westfall

The topics of concern included noise pollution, appearance, security, potential increase in crime, and request for a Greenbelt area.

Mayor Dittrich closed the public hearing at 8:12 p.m.

Discussion was held between City Council, staff, and Benbrook Economic Development Executive Director.

Mr. Gattis stated that the Greenbelt area the residents spoke about is not part of the City's Comprehensive Plan. He stated the EDC conducted a Freeway Corridor Study, however, that study was never accepted as part of the Plan.

Mr. Ron Rainey, Executive Director with EDC stated the EDC purchased the 7 acres in question for \$165,448.86. The EDC has since spent approximately \$10,000 in the Land Use Plan amendment process, making the total invested approximately \$175,000.

Mr. Rainey stated that June 15, 2006 he had been contacted by officers with the Ridglea Country Club Homeowner's Association. The Homeowner's Association indicated that they would be interested in purchasing the 7 acres from Mr. Hawkins, the proposed buyer. Mr. Rainey advised he also spoke with Mr. Hawkins who indicated he would be interested in meeting with the Association. Mr. Rainey stated the property is currently owned by the EDC and they have never received a presentation from the Homeowner's Association or offer to purchase the 7 acres.

Mr. Rainey stated that contract with Mr. Hawkins is due to close within 30 days of the rezoning and any delay in the rezoning would not affect the contract.

Following discussion, motion by Mr. Schull, seconded by Mr. Allison to delay action on PZ-2006-04 for 30 days. Discussion continued.

Mr. Dittrich advised City Council that the motion is to delay action for 30 days and will be brought back to Council on the second meeting in July.

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.

PZ-2006-05 Ordinance rezoning 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from “A” One Family District to “G” Commerce District (North of I20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of way)

Mr. Gattis stated that any rezoning of the subject property would be in conflict with the Land Use Plan. He advised that it would be staff’s recommendation to defer this item for 30 days.

Motion by Mr. Allison, seconded by Mr. Vander Pan to delay PZ-2006-05 for 30 days.

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.

V. REPORTS OF CITY MANAGER

A. GENERAL

G-1633 Consider Interlocal Agreement between the City of Fort Worth and the City of Benbrook for Construction and Maintenance of Two Bridges over Walnut Creek

Mr. Conklin gave the following report: The City of Fort Worth approved a preliminary plat in January 2004 for Skyline Ranch, which will ultimately contain 392 lots. Access to Phase 1 would be through Benbrook on Rolling Hills Drive and Woodglen Drive. Fort Worth and the developer met with Benbrook staff in September 2004 about the bridges in Benbrook. Benbrook staff agreed to the bridges provided there was an Interlocal Agreement whereby Fort Worth assumed all maintenance responsibilities. Fort Worth Department of Transportation would not agree.

Both Rolling Hills Drive and Woodglen Drive were originally intended to extend across Walnut Creek. Woodglen Drive originally extended across Walnut Creek, but the structure deteriorated and failed.

In August 2005, the developer removed the barricades in Benbrook at the end of Rolling Hills Drive. Benbrook staff issued a stop work order for any work within Benbrook. Since that time, negotiations have been rolled into larger discussion with Fort Worth about boundary adjustments in both cities.

The consequences of denying the bridges are:

- 1. Negate a 24-acre single-family development in Benbrook.
- 2. Remove Wilbow as a major financial contributor from the Walnut Creek sewer line project.
- 3. Would remove Fort Worth's incentive from interlocal fire agreement for shared services.
- 4. Would end Benbrook/Fort Worth negotiations for boundary adjustments.

Under the proposed Interlocal Agreement:

- 1. Fort Worth assumes maintenance of the two bridges.
- 2. Benbrook agrees to disannex and Fort Worth agrees to annex the footprint of the bridges and approaches.
- 3. Fort Worth agrees to make pavement repairs to Rolling Hills Drive caused by construction traffic.
- 4. Fort Worth agrees to pay proportionate share of traffic signal at RM2871, if warranted.

In a separate informal agreement, Wilbow Development agrees to pay for fire service calls during 2005.

As a good faith step toward the overall boundary agreement, staff recommends that the City Council authorize the City Manager to execute the Interlocal Agreement for the two bridges over Walnut Creek to serve the Skyline Ranch development.

Mayor Dittrich asked if there were anyone in the audience wishing to speak to the item. The following citizens spoke against adoption of the Interlocal Agreement:

Keira Koslowsky
Juanita Brown
Anna Claunch
Tommy Loyler
Gary Cox
Jim Claunch

The main topic of discussion included additional traffic along Rolling Hills Drive and RM2871 and the deterioration of property value due to proposed development.

Mr. Charles Fitzgerald spoke in favor on behalf of the developer.

Following discussion, motion by Mr. Vander Pan, seconded by Mr. Sauma to authorize the City Manager to execute the Interlocal Agreement for the two bridges over Walnut Creek to serve the Skyline Ranch development.

Vote on the Motion:

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

Noes: Mr. Stowe

Motion carries 6-1.

G-1634 Ordinance Denying Atmos Energy's Statement of Intent to Increase Gas Utility Rates

Mrs. Cortez gave the following report: In 2005, Benbrook and eighty-seven other Atmos Cities Steering Committee (ACSC) cities required Atmos to file support for the reasonableness of its existing rates by December 31, 2005. Atmos filed information that was reviewed by the cities' consultants who determined Atmos' rates to be excessive.

In April 2006, the City adopted an ordinance requiring Atmos to reduce its rates. Atmos appealed the rate action with the Railroad Commission. As part of its appeal, Atmos bonded in its existing rates and filed a Statement of Intent to Increase Gas Utility Rates effective July, 2006.

According to information provided by Atmos, this filing would increase the Company's revenues by \$61 million annually, or 3.6 percent. The average residential bill would increase 5.36 percent, or approximately \$4.02 per month. Commercial customers would see their average bill increase by 5.25 percent, or approximately \$17.16 per month.

The cities' consultants found that the request to increase rates is based upon the information already reviewed by the city in response to the City's show-cause action and is unreasonable.

The proposed ordinance:

1. Denies the rate increase
2. Supports reduction of existing rates
3. Authorizes intervention in appeals/litigation through ACSC
4. Requires prompt reimbursement of ratemaking costs incurred.

Motion by Mr. Schull, seconded by Mr. Allison to adopt Ordinance No. 1208 denying Atmos Energy's Statement of Intent to Increase Gas Utility Rates.

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.

Ordinance No. 1208 being “**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS DENYING ATMOS ENERGY CORP., MID-TEX DIVISION’S STATEMENT OF INTENT TO INCREASE THE GAS UTILITY RATES IN BENBROOK; SUPPORTING THE REDUCTION OF EXISTING NATURAL GAS DISTRIBUTION RATES CURRENTLY CHARGED BY ATMOS WITHIN THE CITY; AUTHORIZING THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) TO ACCT ON BEHALF OF CITY AND INTERVENE OR OTHERWISE PARTICIPATE IN ANY LITIGATION OR PROCEEDINGS BEFORE ADMINISTRATIVE OR JUDICIAL BODIES; ORDERING ATMOS TO REIMBURSE ACSC FOR ITS COSTS INCURRED IN RATEMAKING PROCEEDINGS OR APPEALS OF SAID PROCEEDINGS; REQUIRING DELIVERY OF THIS ORDINANCE TO ATMOS AND LEGAL COUNSEL; AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED IS OPEN TO THE PUBLIC BY LAW.**”

G-1635 Ordinance Denying Atmos Energy’s Request for a Gas Reliability Infrastructure Program Rate Increase

Mrs. Cortez gave the following report: In March 2006, Atmos made a 2005 Gas Reliability Infrastructure Program (GRIP) filing with the Railroad Commission, Benbrook and other cities. The GRIP filing is intent to increase it monthly rates to:

- Residential customers by \$0.51
- Commercial customers by \$1.75
- Industrial customers by \$78.47

In April 2006, the City suspended the increase for 45-days for review. The review revealed the following problems with the filing:

1. Capital structure and component costs do not represent Atmos’ costs but are proxies based on TXU Gas’ circumstances.
2. Rate base amounts show unexplained increases over the amounts in 2003 and 2004 that are not shown to be reasonable.
3. Statement of Intent filed in May 2006 also includes Atmos’ 2005 investment, making the 2005 GRIP filing unnecessary and creating the potential for double-counting/recovery.

The proposed ordinance:

1. Denies the GRIP increase request
2. Authorizes participation in ACSC
3. Authorizes intervention in appeals/litigation through ACSC
4. Requires prompt reimbursement of costs incurred by the City related to the GRIP request

Motion by Mr. Stowe, seconded by Mr. Sauma to adopt Ordinance No. 1209 denying Atmos Energy’s request for a Gas Reliability Infrastructure Program rate increase.

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.

Ordinance No 1209 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 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; REQUIRING PROMPT REIMBURSEMENT OF COSTS INCURRED BY THE CITY; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSES IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION.”**

G-1636 Financial Report for Month Ending May 31, 2006

Mr. Conklin gave the following report: General Fund Revenues for the month of May totaled \$599,407. Through May, total collections were \$9,628,437 or 87.90% of the amount budgeted. General Fund Expenditures for May totaled \$1,275,240. At May 31, 2005 revenues exceeded expenditures by \$2,239,715.

May revenues for Benbrook Economic Development Corporation were \$82,104. Through the end of May, expenditures exceeded revenues by \$472,661.

The City had \$12,486,011 in investments at May 31, 2006.

Motion by Mr. Bailey, seconded by Mr. Vander Pan to accept the financial report for the month ending May 31, 2006.

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.

G-1637 Consider Bids for Drainage Improvements at 913 Timberline Drive

Mr. Gattis gave the following report: When the City completes the Timber Creek Channel project next month, it will remove approximately 65 houses along Timber Creek and Dry Branch from the 100-year floodplain. 913 Timberline Drive is a repetitive loss property under the National Flood Insurance Program. It is one of two properties that will not be removed from the 100-year floodplain by the project.

A former owner constructed a retaining wall in the back year that encroaches into the dedicated drainage easement, causing erosion problems. The City purchased the property in January 2006.

The drainage improvements project includes removal of the retaining wall and construction of a rock gabion wall. The project also includes enlarging the storm drain inlet on Timberline Drive. Following the project, the City will either demolish the existing house and resell the raised lot, or elevate the house by two feet to bring it out of the floodplain.

The City opened bids for the retaining wall and curb inlet improvements on May 24, 2006. Laughley Bridge & Construction submitted the low bid of \$59,970.00. Laughley Bridge & Construction has built several projects for the City in the past, including the Timber Creek channel from Timbercreek Road to the park, a private drive bridge on Tara Drive and most recently, the Winscott Road culvert expansion over Timber Creek. The City has been satisfied with their work.

Motion by Mr. Allison, seconded by Mr. Sauma to award the contract for the construction of the Drainage Improvements at 913 Timberline Drive to Laughley Bridge & Construction in the amount of \$59,970.00 to be paid from Account 04-3007-5219.

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.

VI. OTHER MATTERS OF BUSINESS

VII. INFORMAL CITIZEN PRESENTATION

VIII. ADJOURNMENT

Meeting adjourned at 9:45 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/06/06	REFERENCE NUMBER: G-1638	SUBJECT: Consider Interlocal Agreement between the City of Fort Worth and the City of Benbrook for Mutual Aid Fire Services	PAGE: 1 of 2
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HISTORY

In the late 1970s, the City of Benbrook (through a bond issue) paid for the construction of two fire stations in the City of Fort Worth. In turn, Fort Worth agreed to man and equip the stations and to provide fire services for portions of Benbrook north of I-20. The service provision term was ten (10) years. The contract required Fort Worth to extend fire service provision for additional five-year terms with an annual service fee from the City of Benbrook. The first phase of this extended agreement began in 1990.

With each contract extension, the City of Benbrook became more capable of providing fire service to the area. With the addition of the aerial truck, full-time personnel, and improved equipment, Benbrook began to mirror Fort Worth's response to calls in the contract area. Over time, Fort Worth's response to fire calls also began to change. Through a new fire chief, Fort Worth determined that Fort Worth would respond only when fire or smoke was reported by a credible source. This effectively ended responses to fire alarms, smell of smoke, electrical shorts, and other non-fire present incidents. Fort Worth still responds to major fire incidents with a one-alarm assignment (two pump companies, one ladder company, and one district chief).

FINANCIAL

Currently, the annual cost for the fire services contract is \$275,000. The staff expects the cost to escalate to \$300,000 in fiscal year 2006-07. Consequently, the term for the present fire service agreement expires September 30, 2006.

CONDITIONS FOR ALTERNATE AGREEMENT

Staff informed Fort Worth one year ago that the City of Benbrook would most likely not renew the contract under the extension clause at the end of the contract. At the same time, Fort Worth began Skyline Ranch subdivision, which will ultimately contain approximately 300 homes. Benbrook determined that Fort Worth was not prepared to make a timely response for fire service to this subdivision because of the distance to the closest Fort Worth fire station. Benbrook, however, could respond from our central station in less than half the time.

For the exchange of fire and EMS services to Skyline Ranch, Fort Worth has agreed to continue one alarm response to the portion of Benbrook currently served under contract. Simply stated, the service now provided under the fire services contract will continue through an interlocal agreement.

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

DATE: 07/06/06	REFERENCE NUMBER: G-1638	SUBJECT: Consider Interlocal Agreement between the City of Fort Worth and the City of Benbrook for Mutual Aid Fire Services	PAGE: 2 of 2
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If Council allows the present contract to expire in September 2006, staff will recommend the hiring of no less than three (3) full-time fire/paramedic personnel with the funds available.

TERMS OF PROPOSED AGREEMENT

The agreement will be for a period of one year upon the approval of both cities and will renew automatically for additional one-year periods. The contract can be terminated by either city on sixty days notice.

The proposed agreement calls for the following level of service:

1) Benbrook

Upon notification by Fort Worth of a structure fire or emergency medical incident, the Benbrook Fire Department will dispatch a one-alarm assignment as noted below:

- Location will be Skyline Ranch, generally in the area of Mapsco quadrants 86 K, L, M, P Q, R.
- Services for EMS will be first responder only. Transport will be by MedStar.
- No charge to Fort Worth for fire or EMS services provided by Benbrook.

2) Fort Worth

Upon notification by Benbrook of a structure fire, the Fort Worth Fire Department will dispatch a one-alarm assignment as noted below:

- Locations: 88 A, B, C, E, F, G; 73 Q, S, T, U, X, Y
- No charge to Benbrook for fire services provided by Fort Worth.

RECOMMENDATION

Staff recommends that City Council enter into the interlocal agreement for fire services with Fort Worth for the contract period of one year.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/06/06	REFERENCE NUMBER: G-1639	SUBJECT: Ordinance Amending Chapter 8.36 – Oil and Gas Wells of the Benbrook Municipal Code	PAGE: 1 of 2
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BACKGROUND

The City of Benbrook’s Gas Drilling Ordinance (Ordinance Number 652) was adopted in July 1983. At the time, Benbrook was one of a handful of local municipalities to adopt a drilling ordinance. Although no drilling company has ever applied for a permit pursuant to Ordinance 652, the development of the Barnett Shale Natural Gas Field virtually guarantees a future permit application.

PROPOSED UPDATES

After evaluation of the City’s existing Ordinance and ordinances adopted by other Tarrant County communities, staff recommends the following major changes:

Drilling Distance - Currently, drilling is permitted within 300 feet of a residence, church public building, hospital, public park, school or hospital (collectively, protected uses) without reservation. The proposed Ordinance prohibits drilling within 600 feet of a protected use except (1) by approval of the Benbrook City Council following a public hearing or (2) by securing written and notarized waivers from all protected uses within 600 feet. No drilling shall be within 200 feet of a building used for human occupancy.

Tiered Drilling Permits - Well permits are separated into categories to recognize the inherent difference between a **High Impact Well** (600 feet or less), **Urban Well** (600 to 1,000 feet) and **Rural Well** (1,000 feet or more on 25 acres or more of open land).

Noise - Measurable noise thresholds are proposed to protect the general public.

Lights - Ordinance 652 is not specific regarding lighting. The proposed Ordinance prohibits glare on public roads, adjacent dwellings and buildings.

Technical Advisor - The proposed Ordinance grants Benbrook the authority to engage, at the drilling company’s cost, a technical advisor (consulting petroleum engineer) to inspect well sites and provide other technical guidance.

Drill Site Development Hours (other than drilling) - Ordinance 652 is not specific regarding drill site development hours. Working hours are established to prohibit truck and water tanker activity during nighttime hours.

Well Security - A watchman is currently required. The proposed Ordinance also requires a gated entrance to the well site secured at the public road.

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

DATE: 07/06/06	REFERENCE NUMBER: G-1639	SUBJECT: Ordinance Amending Chapter 8.36 – Oil and Gas Wells of the Benbrook Municipal Code	PAGE: 2 of 2
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Landscaping - Ordinance 652 requires limited landscaping for completed well sites. Proposed landscaping includes the planting and preservation of trees and establishment or reestablishment of turf or native grasses.

Fencing - Ordinance 652 requires a 6-foot high screening fence but does not specify fencing materials. The proposed Ordinance specifies masonry fencing for High Impact Wells and quality built chain link for Urban and Rural Wells.

Closed Loop Mud Systems/Open Pits - Ordinance 652 allows, without exclusion, the use of earthen mud pits. The proposed Ordinance requires a closed loop mud system for High Impact Wells (no mud pit).

Environmental Pollution Liability Insurance - Ordinance 652 does not require environmental pollution insurance. The proposed Ordinance requires EPL insurance.

Water - Ordinance 652 does not require documentation of water acquisition for drilling activities. The proposed Ordinance requires documentation of water acquisition to prevent water theft.

RECOMMENDATION

Staff recommends that City Council adopt the Ordinance updating section 8.36 of the Benbrook Municipal Code, Gas Wells.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/06/06	REFERENCE NUMBER: G-1640	SUBJECT: Authorize Condemnation of Drainage Easements for Plantation West Creek Drainage Project	PAGE: 1 of 1
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One of the projects included in the 2004 bond program was the enlargement of the Plantation West Creek channel between Twilight Drive South and Mary's Creek Drive. The purpose of the project is to remove approximately 42 houses along Twilight Drive and Mary's Creek Drive from the 100-year floodplain. The partially modified open channel will be replaced by additional channel improvements (including a larger box culvert at Mary's Creek Drive) that will contain the 100-year flood.

The design was completed in November 2005, and the City began requesting donations of easements on January 25, 2006. At the end of April, we had nine easements of the 18 easements required to construct the project. The staff began offering fair market value (\$1.50/square foot for the permanent easement, plus \$300 for the temporary easement) starting on May 1st, 2006. One additional easement was donated, and the City purchased three easements at a total cost of \$19,768.50. At the end of June, we have obtained 13 of the 18 easements necessary to build the project. Staff believes that we will be able to obtain two or three of the remaining easements, leaving two to three that cannot be obtained through negotiation.

Assuming the City Council intends to proceed with the project, the next step is to authorize staff to proceed with condemnation 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.

RECOMMENDATION

Staff recommends that the City Council authorize the staff to initiate condemnation proceedings to obtain the remaining drainage easements necessary for construction of the Plantation West Creek project.

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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/06/06	REFERENCE NUMBER: G-1641	SUBJECT: Consider Participation in NAS Fort Worth JRB Joint Land Use Study	PAGE: 1 of 3
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The Naval Air Station Fort Worth Joint Reserve Base (NAS Fort Worth JRB) is an important component of the economy of western Tarrant County and Benbrook. Many of our residents are employed at the Base or at Lockheed Martin, which is located on land owned by the Base and uses the Base's airfield. In addition, many of our residents are retired military and use many of the services offered at the Base.

During the last round of the Base Realignment and Closure (BRAC) process, the importance of urban encroachment as a threat to continued base operations became apparent. The BRAC Commission recommended the closure of NAS Oceana in Virginia Beach, VA because of the extensive urban development that was allowed to occur immediately adjacent to the Base.

While this did not become an issue at NAS Fort Worth JRB during the last BRAC round, the local BRAC Task Force realized that urban encroachment could easily jeopardize the continued existence of NAS Fort Worth in the future. As a result, several of the surrounding cities (Fort Worth, Lake Worth, River Oaks, Westworth Village and White Settlement), in association with the Fort Worth Chamber of Commerce and NAS Fort Worth personnel, have joined together. These cities propose that a Joint Land Use Study be conducted to make recommendations to the surrounding cities to review land use strategies that may be detrimental to the viability of the Base. The group recommended that the North Central Texas Council of Governments (NCTCOG) act as project sponsor and that a grant be requested from the U.D. Department of Defense's Office of Economic Adjustment.

Benbrook was asked to join the group in May when it was realized that the latest noise contours affected land within Benbrook. Support is also being sought from other cities affected by the Base, including Sansom Park and Westover Hills. Lockheed Martin is participating as an ex officio member.

Participation in the project does require that Benbrook review and implement any recommendations made by the Study, if the City Council believes it is in the best interests of the City. Recommendations may include changes to our Land Use Plan, zoning regulations, and/or building codes.

REPRESENTATION ON COMMITTEES

As a participant, Benbrook will be entitled to have representation on the Policy Committee and on the various technical working committees. The Policy Committee sets overall policy for the study as it progresses. It is recommended, but not required, that the representative on the Policy Committee be an elected official. For example, the City of Fort Worth has appointed two of their

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

DATE: 07/06/06	REFERENCE NUMBER: G-1641	SUBJECT: Consider Participation in NAS Fort Worth JRB Joint Land Use Study	PAGE: 2 of 3
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City Council members to serve on the Policy Committee, but Lake Worth has appointed their City Manager. It is expected that the Policy Committee will meet on an irregular, as-needed, basis.

Assistant City Manager Dave Gattis has been attending the monthly meetings of the technical working group. Unless the City Council decides otherwise, it is recommended that Mr. Gattis continue in this role and report back to City Council as appropriate.

FINANCIAL OBLIGATION

The estimated cost of the project is \$180,000 and the DOD OEA grant covers 90 percent, leaving ten percent (or \$18,000) to the local sponsors. At worst case (assuming the cost is split equally among the six cities), Benbrook would be responsible for \$3,000. If a financial match is required, staff believes that the Policy Committee would strongly consider a weighted cost share, with Fort Worth picking up the majority of the cost.

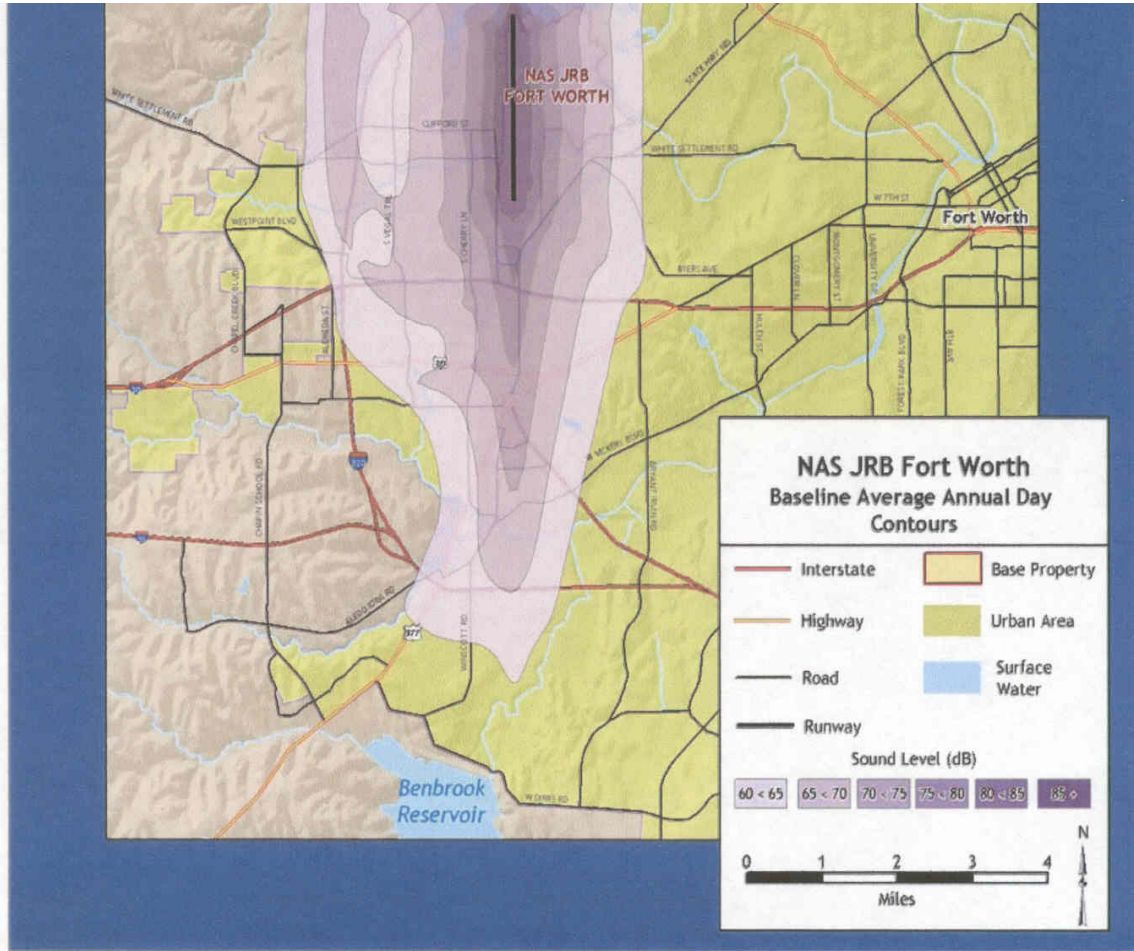
There is a strong possibility that either the City of Fort Worth or the North Central Texas Council of Governments may pick up the entire local match, leaving no financial obligation to the City of Benbrook. In any event, staff time (such as that for Mr. Gattis) can be used as an in-kind contribution.

Staff believes that there will be no financial obligation on the part of Benbrook to be a part of this study. If required, any financial obligations will be brought back to City Council for formal action.

RECOMMENDATION

Staff recommends that the City Council:

1. Appoint one of its members as Benbrook's representative to the Policy Committee, and
2. Approve the Resolution authorizing participation in the Joint Land Use Study.



JRB_Fort_Worth_Noise_05012006.mxd

Source: Census TIGER/Line 2000, DAIF v. 0208, NOISEMAP 7.2, and USGS NED



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/06/06	REFERENCE NUMBER: P-249	SUBJECT: Purchase Government Access Channel Equipment	PAGE: 1 of 2
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Since October 2001, City Council meetings have been videotaped and rebroadcast over the Government Access Channel. This provides the public many opportunities to observe City Council meetings and to be informed of City activities. To further improve the quality of broadcasts, City Council approved a Public, Educational and Governmental (PEG) Access Fee in September of 2003. The PEG fund can only be used for capital improvements to the Government Access Channel (i.e., scheduling equipment, hardware and software). The fund presently contains \$30,000.

Over the years, staff has made occasional upgrades to the video system. The City purchased new tape decks to replace broken units. In April of 2004, we upgraded the controller, enabling us to add a "bulletin board" using power point in place of the character generator. In November 2004, City Council approved the addition of another camera for higher quality recordings.

In addition to City Council broadcasts, the Economic Development Corporation began sponsoring "Benbrook Spotlight", a 30-minute community news show. These began airing on Channel 7 in late January. EDC publishes a new show each month. Other programming includes Storm Spotter Training, Warning Siren education, Air Quality Control, Keep Texas Beautiful promotions, Floodplain Informational Videos and more.

Broadcasting is currently limited to only two events on any day. We have one VHS player and one S-VHS player. To add programming means a staff member must physically switch out tapes and reprogram the system. We do not have the hardware to store and replay all the programming available.

PROPOSAL

In the past year, digital video recorders (i.e., TiVo, DVR, Play-Pause-Rewind) have become the standard in television. Prices have dropped as competition increased. This technology has been incorporated into a broadcast controller, which is called a digital video server. This server, combined with external hard drives, will store and broadcast all of the programming without the physical limitations currently limiting tape broadcasts.

By connecting a DVD player / recorder, the City can also duplicate presentations in-house instead of using a service. The quality of the playback will be improved, and we will be ready for the HD conversion. Furthermore, storage of recordings will be improved as the City transitions from bulky VHS tapes to DVDs.

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

DATE: 07/06/06	REFERENCE NUMBER: P-249	SUBJECT: Purchase Government Access Channel Equipment	PAGE: 2 of 2
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FINANCING

The purchase of this capital equipment would qualify as a “PEG” expenditure. The cost of the Video System Controller Digital Video Server, two 500 GB external hard drives, and a multi-format DVD Player / Recorder with installation is under \$8,000. The PEG account contains ample funds to cover this amount.

RECOMMENDATION

City staff recommends that City Council approve the purchase of the government access channel equipment as specified, at a cost not to exceed \$8,000 from the PEG fund.