

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JUNE 1, 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 Jack Cook with Wyatt Drive Baptist Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held May 18, 2006

IV. PRESENTATION BY MAYOR AND CITY COUNCILMEMBERS

1. Councilmember James Schull – Wounded Warriors/Fallen Heroes Community Program

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

- G-1630 Designate Winscott Road as Bicycle Route
- G-1631 Park Development Plan for Benbrook Lake Lease Areas
- G-1632 Resolution to Participate in the North Texas Government Benefit Alliance (NTGBA)

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

IX. EXECUTIVE SESSION – Pursuant to the Texas Government Code

1. Section 551-072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4104 Twilight Drive South

X. ADJOURNMENT

Worksession

1. Discuss and Review City of Benbrook Smoking Ordinance

**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MAY 18, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, May 18, 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
Donna Savage, Assistant to City Secretary
Andy Wayman, Assistant City Manager
David Ragsdale, Comptroller
Tommy Davis, Fire Chief

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Daniel Tully
Bill Smith
Sam Balkum
Julie Haines
and 8 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 Ryan Justice with Trinity Hills Baptist Church.
The Pledge of Allegiance was recited.

III. OATH OF OFFICE

1. Oath of Office to Elected Members of City Council

Mayor Dittrich administered the Oath of Office to Mr. James Schull, Place 2, Mr. Rickie Allison, Place 4, and Mr. Larry Stowe, Place 6.

IV. SELECTION OF MAYOR PRO-TEM

Nomination by Mr. Stowe, seconded by Mr. Bailey to appoint Mr. Rickie Allison as Mayor Pro-Tem.

Vote on the Nomination:

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

Noes: None

Nomination carries unanimously

V. SELECTION OF NORTH CENTRAL TEXAS COG VOTING REPRESENTATIVE

Motion by Mr. Allison, seconded by Mr. Stowe to approve the selection of Mr. Sauma as the representative for North Central Texas COG.

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

VI. 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 removed from the Consent Agenda for separate discussion and action)

1. Minutes of the regular meeting held May 4,2006
2. Authorize Interlocal Agreement for Tarrant County Transportation

Motion by Mr. Schull, seconded by Mr. Sauma to approve the consent agenda as presented.

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.

VII. CITIZEN PRESENTATION

1. Danny Perkins, President, Benbrook Sister Cities, Inc.- Progress Report

Mr. Perkins stated that the general purpose of Benbrook Sister Cities, Inc. is to promote the City of Benbrook and coordinate the Sister Cities and Arts Programs through its volunteers. During the 2006 fiscal year, several art workshops were organized at Western Hills High School, Leonard Middle School and Benbrook YMCA. From June 7 through July 12, 2006, eight students from Western Hills High School and one teacher will travel to Bled, Slovenia as Ambassadors for Benbrook. During the period of June 28 through July 10, 2006, seven students and teachers from Northern Ireland will visit Benbrook students and families. A Mayor's reception will be held on Thursday, June 29th, at Benbrook United Methodist Church to welcome the visitors. All citizens and City Council members with their families are cordially invited.

2. James A. Wilson – Lockheed Martin Recreational Association Bicycle Club – Request Bicycle Route in Benbrook.

Mr. Wilson, representative of Lockheed Martin Recreational Association Bicycle Club, requested that the City designate a bicycle route along Winscott Road. The current "unofficial" bicycle route runs along Winscott Road to Interstate 20 beginning from the Benbrook Community Center/YMCA. The request is to place bicycle route signs, spaced a quarter of a mile apart, along both sides of Winscott Road. The placement of the signs would make motorists aware of the bike route and thus making the route safer for cyclist.

VIII. PRESENTATION BY PLANNING AND ZONING COMMISSION

IX. REPORTS OF CITY MANAGER

A. GENERAL

G-1627 Financial Report for Month Ending April 30, 2006

Mr. Conklin gave the following report: General Fund Revenues for the month of April totaled \$195,208. General Fund Revenues through the end of April were \$9,029,018.

Economic Development Corporation revenues were \$52,486 while expenditures were \$55,097. For the year, expenditures exceed revenues by \$450,897.

The City investments were \$12,942,143 at April 30, 2006. This entire amount is available immediately if needed.

Motion by Mr. Sauma, seconded by Mr. Stowe to accept the financial report for the month ending April 30, 2006

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-1628 Quarterly Hotel/Motel Tax Report

Mr. Ragsdale gave the following report: Revenues collected for the period ending March 31, 2006 amounted to \$29,395.54. Bed tax made up \$27,790.38 of this amount and interest provided the other \$1,605.16.

During this period, the following expenditures were submitted: Motel 6 submitted \$5,183.29 in expenses for billboard, media, and TxDOT advertising. Only \$4,700 of this amount is eligible for reimbursement.

VSA submitted a total of \$1,222.36 for reimbursement for art workshops at Western Hills High School, Leonard Middle School and the Benbrook YMCA.

The Benbrook Area Chamber of Commerce submitted receipts totaling \$5,694.16 in expenses. These expenses included vision center salary of \$4,694.16 and overhead charges (1,500).

Staff recommends that City Council approve the quarterly Hotel/Motel Tax report and authorize the Comptroller to make the requested reimbursements of \$4,700 to Motel 6, \$1,222.36 to VSA and \$5,694.16 to the Benbrook Chamber.

Motion by Mr. Schull, seconded by Mr. Bailey to approve the quarterly Hotel/Motel Bed Tax for the period ending March 31, 2006.

Vote on the Motion:

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

Noes: Mr. Sauma

Motion carries 6-1

**G-1629 RESOLUTION AUTHORIZING CITIES AGGERATION
POWER PROJECT (CAPP) TO NEGOTIATE AND EXECUTE
AN ELECTRIC SUPPLY AGREEMENT**

Mr. Ragsdale gave the following report. In April of 2001, Benbrook joined Cities Aggregation Power Project, Inc, (CAPP), a political subdivision corporation formed pursuant to the Texas Electric Choice Act to aggregate the electric loads of cities and other political subdivisions and to contract for

the purchase of electricity in the deregulated electric market. Aggregation enables cities and other entities to purchase electricity at a lower cost. Since its inception, CAPP has negotiated favorable contract terms and a reasonable commodity price for delivered electricity, and its members have saved, on average, more than \$70 million off the regulated price to beat (PTB).

CAPP usually executes contracts in the fall; however, after Hurricane Katrina, it is now necessary to contact for 2007 before summer hurricane season begins to get best possible price.

To lessen impact of natural gas prices on retail contracts, CAPP board is investigating contracting with a wholesale power provider. Preliminary information provided to the CAPP Board indicates that entering into a wholesale contract, as opposed to a retail contract, may provide the greatest potential savings over PTB. Power providers prefer to execute a contract with one entity rather than individual contracts for each CAPP member.

The CAPP Board believes that the pricing opportunity window for favorable 2007 electric deliveries under either a wholesale or a retail agreement will be short-lived. CAPP will likely be required to commit contractually to prices within a 24-hour period in order to lock-in favorable prices regardless of whether CAPP enters a retail or wholesale agreement. From past contracting experience, CAPP has found that power providers demand immediate response to an offer and may penalize delay with higher prices. Therefore, CAPP legal counsel advised that members authorize the chair of CAPP to execute the contract approved and recommended by the CAPP Board within 24 hours of said approval.

Motion by Mr. Allison, seconded by Mr. Stowe to approve Resolution No. 2006-08 authorizing CAPP to negotiate and execute supply agreement.

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

Resolution 2006-08 being "A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2007; AUTHORIZING CAPP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2007; AND COMMITTING TO BUDGET FOR ENERGY PURCHASE IN 2007 AND 2008 AND TO HONOR THE CITY OF

BENBROOK'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2007 AND 2008 THROUGH CAPP."

B. PURCHASE

P-248 PURCHASE HAZMAT/RESCUE UNIT

In 2005, the City received a combined grant of \$385,000 from the State Homeland Security Program (\$275,000) and from Urban Area Security Initiative (\$110,000) to purchase a special operation Hazmat/Rescue Unit.

It was determined that Pierce Manufacturing represented the best price for quality of apparatus. This was based on Pierce Manufacturing build quality, field capability and cost/benefit of previous fire apparatus purchases.

In accordance with State law, a bid from the Houston-Galveston Area Council Government Purchasing Cooperative which included an administrative fee.

Utilizing their bid of \$335,343 allows Fire Department to select a specific truck, prevents a costly and protracted bid process and allows Fire Department to outfit the truck with the remainder of grant funding (\$49,657)

Motion by Mr. Schull, seconded by Mr. Allison, to approve the purchase of the Hazmat/rescue unit.

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 8:35 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

From: James Schull [jschull1@sbcglobal.net]

Sent: Wednesday, May 17, 2006 4:32 PM

To: Joanna King

Cc: Andy Wayman; jerry@dittrich.net

Subject: June 1 agenda

Joanna,

I would like to request that an item be placed on the June 1 agenda. It is in regards to the Wounded Warriors/Fallen Heroes community program sponsored by the Westridge Church. It will take place on July 2, 2006 at the Benbrook Community Center YMCA. Time to be determined.

James Schull
Attorney at Law
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Office: 817-249-5300
Fax: 817-249-5312
E-Mail: jschull1@sbcglobal.net



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/01/06	REFERENCE NUMBER: G-1630	SUBJECT: Designate Winscott Road as Bicycle Route	PAGE: 1 of 1
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BACKGROUND

At the May 18 City Council Meeting, Jim Wilson of the Lockheed Martin Bicycle Club requested that City Council establish an on-road bicycle route network in Benbrook, starting with Winscott Road. At the meeting, City Council directed staff to place the Winscott Road bike route on the June 1 City Council Meeting agenda.

WINSCOTT BIKE ROUTE

The Texas Manual on Uniform Traffic Control Devices establishes design criteria for bike routes. Bike routes are designated with green "bike route" signs at ¼ mile intervals plus signage on major streets feeding into the bike route.

The proposed bike route could include both the south and north portions of Winscott without initially connecting through TXDOT right-of-way. If both sections are designated, staff will immediately begin working with TXDOT to connect the north and south sections.

The cost to complete each section (in-house labor) is noted below:

South Winscott – I-20 to Benbrook Boulevard	\$1,700
North Winscott – I-20 to City Limits	<u>\$1,000</u>
<i>Total</i>	<i>\$2,700</i>

RECOMMENDATION

Staff recommends that City Council (1) designate both sections of Winscott Road as a bike route and (2) direct staff to erect appropriate bike route signs at a cost of \$2,700 to be paid from account number 01-15-01-5219.

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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/01/06	REFERENCE NUMBER: G-1631	SUBJECT: Park Development Plan for Benbrook Lake Lease Areas	PAGE: 1 of 1
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BACKGROUND

The City of Benbrook controls significant park land around Benbrook Lake through a long-term lease with the Army Corps of Engineers. The Corps of Engineers requires Benbrook to utilize the lease areas for recreational activities, with particular emphasis on outdoor, lake-oriented recreation.

LAND USE PLAN

Earlier this year, City Council conducted a work session to discuss enhancing the Benbrook Lake lease areas. As a result, the City solicited a proposal from Schrickel, Rollins and Associates to develop a land use plan. Schrickel, Rollins and Associates previously completed the Benbrook Parks Master Plan, Dutch Branch Park Conceptual Plan and the Whitestone Park Conceptual Plan. The City Council formally commissioned the land use study on February 16, 2006.

Attached is the proposed land use plan and related narrative. The plan recommends numerous enhancements including:

1. The purchase of the undeveloped land at the corner of Winscott and Benbrook Boulevard for commercial use (possibly a restaurant).
2. The private development of two resorts areas with related amenities.
3. The private development of a wild flower center.
4. Enhanced equestrian uses.
5. Designated natural areas.
6. Practice soccer fields.

The Parks and Recreation Board unanimously approved the plan on May 10, subject to final action by the Benbrook City Council. The Parks and Recreation Board also recommended enhancing the appearance and condition of the current concessionaires (Benbrook Par 3, Benbrook Stables, Benbrook Marina).

Linda Jordan of Schrickel, Rollins and Associates will present the proposed land use plan to the City Council at the June 1 meeting.

PLAN IMPLEMENTATION

Due to the scale and complexity of the proposed plan, City staff recommends phased implementation. Below is City staff's recommended phasing schedule:

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

DATE: 06/01/06	REFERENCE NUMBER: G-1631	SUBJECT: Park Development Plan for Benbrook Lake Lease Areas	PAGE: 2 of 2
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Phase 1 (begin immediately)

- Purchase southeast corner of Winscott and Benbrook Boulevard in partnership with the EDC or a private developer for (commercial use).
- Extend existing lease with Corps of Engineers to 50 years (currently 30 years remaining).
- Improve the Benbrook Lake level issue with emphasis on raising the conservation pool level.
- Work with existing concessionaires to improve appearance.
- Develop RFP's for the resort areas.

Phase 2 (2007/2008)

- Solicit RFP's for the resort areas.
- Consider long term appearance and use of Benbrook Marina including possible dredging project.
- Develop RFP for wildflower center.

Phase 3 (2008/2009 and forward)

- Solicit RFP for wildflower center.
- Consider and implement City funded projects (soccer fields, etc.) as approved by City Council.

RECOMMENDATION

Staff recommends that City Council (1) adopt the Schrickel, Rollins and Associates land use plan for the Benbrook Lake lease areas and (2) begin Phase 1 implementation.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/01/06	REFERENCE NUMBER: G-1632	SUBJECT: Resolution to Participate in the North Texas Government Benefit Alliance	PAGE: 1 of 1
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In August 2005, the City of Benbrook joined the North Texas Government Benefit Alliance (NTGBA) to explore the feasibility of collectively purchasing comprehensive medical benefits. NTGBA plans to consider securing additional employee benefit programs, including dental insurance, in the future. Participation in this organization does not bind the City of Benbrook to the benefit contract(s) that may be secured and implemented by the NTGBA, a group of municipalities and other local government entities in the North Texas area. These local governments include: City of Argyle, Town of Double Oak, City of Justin, Town of Northlake, City of Krum, City of Haslet, Town of Cross Roads, Town of Trophy Club, City of Decatur, City of Bridgeport, Town of Ponder, City of Everman, City of Lake Worth, Benbrook Water Authority, City of Springtown, City of Lake Dallas, and City of Boyd.

NTGBA is currently preparing a Request for Proposal (RFP) for group health insurance for the participating entities. NTGBA is requesting that each member contribute \$250 for advertising costs and for legal advice associated with the RFP process.

NTGBA is also requesting that each member pass a resolution to approve an interlocal agreement and consider the Bylaws established by NTGBA. These procedures are required for the City of Benbrook to participate in the RFP process.

FINANCING

Funds are available in Non-Departmental account number 01-15-5219.

RECOMMENDATION

Staff recommends that the City Council approve Resolution Number 2006-09 to allow the City of Benbrook to participate in the North Texas Government Benefit Alliance (NTGBA) Request for Proposal (RFP) process, to consider the Bylaws, and to allocate \$250 for advertising costs and legal fees associated with the RFP process.

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