



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY FEBRUARY 4, 2010**

The regular meeting of the Benbrook City Council was held on Thursday, February 4, 2010 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Charlie Anderson
Keith Bailey
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Walter Shumac, Public Services Director

Others Present:

Ed Gallagher, Planner
Ron Rainey, Executive Director EDC
Barbara Petroski
Andrea Sanders, Area Manager with Oncor
Karen Barber, Benbrook News
Jess Jordan
Bill Smith
Larry Stowe
John Castro
Joan Chew
Dan Tully
Tom Clark
And 3 other citizens

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Pastor Don King with Ridge Community Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held January 21, 2010

Motion by Mr. Sauma, seconded by Mr. Washburn to approve the minutes of the regular meeting held January 21, 2010 as presented.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Bailey, Mr. Wilson.

Noes: None

Motion carries unanimously.

IV. CITIZEN PRESENTATION

1. Barbara Petroski – Extreme tree pruning performed by Oncor

Ms. Barbara Petroski presented a photo display of the damages to the trees on her property by a contract for Oncor Electric. Ms. Petroski asked City Council contact Oncor requesting a change in their tree trimming practices.

Ms. Andrea Sanders, Area Manager with Oncor addressed City Council on this property. She explained the tree trimming measures taken by their contractors and stated that Oncor is working with Ms. Petroski on her matter. She also advised that Oncor is in the process of reviewing the methods used in tree trimming from power lines.

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2010-01 Accept resignation from Benbrook Economic Development Corporation Board Member Sandy Davis and determine procedure to fill vacancy

Joanna King gave the following report: On January 25, 2010, the Executive Director of the Benbrook Economic Development Corporation received a letter of resignation from BEDC Board Member Sandy Davis.

Mr. Davis' term expires in November 2010, leaving nine months remaining.

Staff is requesting that City Council accept the resignation from Sandy Davis. Staff is also recommending that City Council authorize the City Secretary to schedule interviews on February 16, 2010 with those applicants from the 2009 Board and Commission process interested in serving on the EDC.

Motion by Mr. Anderson, seconded by Mr. Wilson to accept the resignation from Sandy Davis and to authorize the City Secretary to contact the 2009 applicants and schedule interviews for February 16, 2010 and February 17, 2010, if necessary.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

CC-2010-02 Adopt Resolution - Appointment of Municipal Court Judge

Joanna King gave the following report: The Benbrook Homerule Charter requires City Council to appoint the Municipal Court Judge to serve a two-year term.

Alan Bowling has served as the Judge of the Municipal Court since 2005. Prior to his appointment, Judge Bowling served as the Associate Judge. Judge Bowling continues to demonstrate high standards of judicial excellence in both knowledge and practice.

Staff is recommending that City Council adopt the Resolution reappoint Alan Bowling

Motion by Mr. Washburn, seconded by Mr. Bailey to adopt Resolution 2010-01 reappointing Alan Bowling as the Judge of the Municipal Court to serve a two-year term.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Resolution No. 2010-01 being **“A RESOLUTION APPOINTING THE JUDGE OF THE MUNICIPAL COURT FOR A TWO YEAR TERM.”**

CC-2010-03 Adopt Resolution ordering May 8, 2010 General Election and approving a Joint Election Agreement between Tarrant County and the City of Benbrook

Adoptar Resolución que pide la Elección General del 8 de mayo de 2010 y aprueba una Elección General Conjunta entre el Condado de Tarrant y la ciudad de Benbrook.

Joanna King gave the following report: The resolution before City Council is the order calling the General Election for May 8, 2010 for the positions of Member of the Council in Places 2, 4, and 6.

Due to the limited availability of election equipment the Tarrant County Elections Division is requesting that all political subdivisions located in Tarrant County enter into a Joint Election Agreement.

In joining Tarrant County for election services, additional early voting polling places will be located throughout Tarrant County. Benbrook voter would be able to vote early at any of the Early Voting sites and not be limited to the Benbrook location only. Tarrant County will provide all necessary voting equipment, obtain all polling places, hire and trail all election officials and provide the necessary Justice Department Submissions.

The 2010 Joint Election Agreement and contract between Tarrant County and the City will be forthcoming once it is known which political subdivisions will be holding elections. The cost assessed to Benbrook will be in accordance to the total number of entities contracting with Tarrant County. Because the Benbrook Water Authority and the Benbrook Library District already contract with the City in election agreements, our cost will be divided among these three entities holding an election.

Motion by Mr. Sauma, seconded by Mr. Wilson to adopt Resolution 2010-02 ordering the General Election for May 8, 2010 and to authorize the City Manager to execute a joint election agreement with Tarrant County.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Resolution No. 2010-02 being **“A RESOLUTION AND ELECTION ORDER BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 8, 2010; APPROVING A JOINT ELECTION AGREEMENT BETWEEN TARRANT COUNTY AND THE CITY OF**

BENBROOK, TEXAS; PROVIDING PROCEDURES FOR THE CONDUCT OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.”

CC-2010-04 Consider appointments to Naval Air Station Fort Worth Joint Reserve Base Regional Coordinating Council

Motion by Mr. Bailey, seconded by Mr. Wilson to appoint Councilmember Ron Sauma and Deputy City Manager Dave Gattis to the Naval Air Station Fort Worth Joint Reserve Base Regional Coordinating Council.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

CC-2010-05 Adopt Resolutions granting approval to the Tarrant County Housing Finance Corporation for the use of proceeds of its Series 2009, Series 2010 and Series 2011 Single Family Mortgage Revenue Bonds to finance home mortgages for single family homes located in Benbrook

Andy Wayman gave the following report: The Tarrant County Housing Finance Corporation has recently issued single family mortgage revenue bonds. The program offers individuals and families who have not purchased a home within the last three years to access a 5.05% interest rate with 3% cash assistance at closing to offset down payment and/or closing costs.

State Law and the Attorney General require that cities within Tarrant County with a population greater than 20,000 pass a resolution to allow qualifying residents of the City to participate in the program. In order to meet the submission deadlines, First Southwest Company, the City's Investment Firm, is requesting that we adopt the resolutions.

The adoption of these resolutions does not have any financial impact on the City's revenue or obligations.

Motion by Mr. Wilson, seconded by Mr. Sauma to adopt the resolutions granting approval to the Tarrant County Housing Finance Corporation for the use of proceeds of its Series 2009, Series 2010 and Series 2011 Single Family Mortgage Revenue Bonds to finance home mortgages for single family homes located in Benbrook.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Resolution No. 2010-03 being **“A RESOLUTION GRANTING APPROVAL TO THE TARRANT COUNTY HOUSING FINANCE CORPORATION FOR THE USE OF THE PROCEEDS OF ITS SERIES 2009 SINGLE FAMILY MORTGAGE REVENUE BONDS TO FINANCE HOME MORTGAGES FOR SINGLE FAMILY HOMES LOCATED WITHIN THE CITY.”**

Resolution No. 2010-04 being **“A RESOLUTION GRANTING APPROVAL TO THE TARRANT COUNTY HOUSING FINANCE CORPORATION FOR THE USE OF THE PROCEEDS OF ITS SERIES 2010 SINGLE FAMILY MORTGAGE REVENUE BONDS TO FINANCE HOME MORTGAGES FOR SINGLE FAMILY HOMES LOCATED WITHIN THE CITY.”**

Resolution No, 2010-05 being **“A RESOLUTION GRANTING APPROVAL TO THE TARRANT COUNTY HOUSING FINANCE CORPORATION FOR THE USE OF THE PROCEEDS OF ITS SERIES 2011 SINGLE FAMILY MORTGAGE REVENUE BONDS TO FINANCE HOME MORTGAGES FOR SINGLE FAMILY HOMES LOCATED WITHIN THE CITY.”**

CC-2010-06 Councilmember Jim Wilson – Consider video taping for rebroadcast of all City Board and Commission meetings

Councilmember Jim Wilson requested City Council to consider the video taping of all City Board and Commission meetings for rebroadcast. He stated that by video taping for rebroadcast would show consistency between our Boards and Commissions and add access to citizens to review government.

Motion by Mr. Wilson, seconded by Mr. Anderson to adopt video taping for all regularly scheduled Board and Commission meetings to be funded through the PEG and General Funds in a similar manner as City Council and the Planning and Zoning Commission.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

VI. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2010-01 Present Quarterly Financial Report for quarter ending December 31, 2009

Ron Rainey gave the following presentation on the quarterly financial report for the quarter ending December 31, 2009:

INCOME

Sales Tax Collections	\$ 150,746.94
Interest Earned	\$ 2,177.83
Sign Rental Fees	\$ 1,050.00
Land Sales	\$ 0.00
Lease/Note Payments	\$ <u>54,183.99</u>
Total Income	\$ 208,158.76

EXPENSES:

Personnel	\$ 64,924.56
Supplies & Materials	\$ 518.63
Contractual Services	\$ 32,383.42
Repairs & Maintenance	\$ 3,274.58
Other Professional Services	\$ <u>418.76</u>
Total Expenses	\$ 101,519.65

Net Income – October 1 – December 31, 2009

Income:	\$ 206,338.01
Expenses:	\$ 101,519.65
Net income:	\$ 104,818.36

Motion by Mr. Anderson, seconded by Mr. Sauma to accept the financial report for quarter ending December 31, 2009 from the Benbrook Economic Development Corporation.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1895 Interlocal Agreement with Tarrant County and Tarrant Regional Water District for the construction of a Hike and Bike Trail along Winscott Road

Walter Shumac gave the following report: Fort Worth's Streams and Valleys Committee is a nonprofit organization that promotes park development including hike and bike trails in the Fort Worth area. Last year, an extension of the Clear Fork Trail was completed through Pecan Valley Park ending at the intersection of Lakeside Drive and Winscott Road.

Coordination meetings have been held recently between the Streams and Valleys Committee, Tarrant County, the Tarrant Regional Water District and the City of Benbrook to extend the trail further to the west. The proposed asphalt trail is 10-foot wide and extends on the south side of Winscott Road from Lakeside Drive to Beach Road and on the north side from Lakeside Drive to Sproles Drive.

Under the proposed agreement:

1. Tarrant County will furnish labor and equipment to construct the trail.
2. TRWD will pay the County for all materials associated with the asphalt trail (approximately \$65,867). TRWD will also plant trees and install a drip irrigation system to water the trees.
3. The City of Fort Worth will donate trees for planting along the trail.
4. The City of Benbrook will be responsible for constructing concrete handicap ramps, signage, roadway crossings and backfilling along the trail edges. The City will also provide a water tap and a meter at or near Sproles Drive to provide water for the irrigation of trees.

The City's cost is expected to be approximately \$10,000, which can be paid from the Street Department's budget. Construction is tentatively scheduled to begin in early March.

Motion by Mr. Anderson, seconded by Mr. Wilson to approve the Interlocal Agreement with Tarrant County and Tarrant Regional Water District for the construction of a Hike and Bike Trail along Winscott Road.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

G-1896 Determine funding for Trinity Estates and Trinity Gardens FEMA map revision or amendment

Dave Gattis gave the following report: Since 1979, the City has participated in the National Flood Insurance Program (NFIP), which allows Benbrook property owners to purchase flood insurance for properties in the 100-year floodplain. The 100-year floodplain is determined by the Flood Insurance Study (FIS) of rivers and creeks prepared by the Federal Emergency Management Agency (FEMA) and the areas affected by the 100-year floodplain mapping by FEMA on a Flood Insurance Rate Map (FIRM).

The most recent FIRM was published in September 2009 and it appears that approximately 12 houses within Trinity Estates and Trinity Gardens were incorrectly included in the 100-year floodplain. It is the Staff's opinion that with a Letter of Map Amendment (LOMA), or individual LOMA or LOMA-F applications supported by elevation certificates, FEMA will approve the removal of the affected houses from the 100-year floodplain.

In past, map changes have been left to individual property owners. A Letter of Map Amendment for a single lot with no fill, typically costs \$450 for an elevation certificate. A Letter of Map Revision for multiple lots with no channel work or fill typically costs \$450/lot for survey plus \$895 fee to FEMA. Staff estimates a total cost of approximately \$6,300 for the twelve or so lots in Trinity Estates/Trinity Gardens, plus staff time.

City intervention will certainly assist the property owners financially while leveraging the Staff's floodplain expertise. In addition, twelve homes can be removed from the floodplain at a low cost and preclude the homeowners from purchasing flood insurance. However, City financial participation also constitutes a change in City policy and may have ramifications moving forward.

Staff is requesting City Council determine whether to spend City funds for the Trinity Estates and Trinity Gardens map revision or amendment, and if so, to authorize that expense from unappropriated reserves. Staff is also seeking guidance on the City's policy for future requests.

Motion by Mr. Anderson, seconded by Mr. Sauma for the City to fund a Letter of Map Revision application for the Trinity Estates/Trinity Gardens area in an amount not-to-exceed \$7,500 and look at future requests for map amendments on a case-by-case basis.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 8:30 P.M. followed by a worksession to discuss Benbrook History Project.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary