



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, APRIL 5, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, April 5, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
John Vander Pan
Larry Stowe
Ron Sauma
Rickie Allison
James Schull

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
James Mills, Police Chief
Walter Shumac, Director of Public Services

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher, City Planner
Phyllis Wolfe, IT Coordinator
Cathy Morris, Administrative Analyst
Bill Smith
Daniel Tully
Mr. & Mrs. Harold Evetts
Gayle Hebert
Students from UTA Small City Management
Public Administration
and 7 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 Lonnie Huett with Restoration Family Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held March 15, 2007

Motion by Mr. Sauma, seconded by Mr. Stowe to approve the minutes of the regular meeting held March 15, 2007.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. CITIZEN PRESENTATION

1. Ken Shetter, Mayor of City of Burleson – Transportation Outlook for Region and Update on the TRTC

This item rescheduled for April 19, 2007.

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Ordinance Cancelling May 12, 2007 General Election

Joanna King gave the following report: In accordance with law, a general election has been ordered for May 12, 2007 to elect members to serve on the Benbrook City Council in Place 1, Mayor and Members of the Council in Places 3, 5, and 7. There are no propositions to appear on the ballot in this election.

The filing deadlines for placement on the ballot and declaration of write-in candidacy have passed. In these circumstances Title 1, Chapter C, Subchapter C, Section 2.053 of the Texas Election Code authorizes a governing body of a political subdivision, by order, to declare each unopposed candidate elected to office and cancel the election.

As the authority responsible for having the official ballot prepared, the City Secretary certifies that the following candidates are unopposed for election to office in the election scheduled for May 12, 2007:

Mayor, Place 1	Jerry Dittrich
Member of the City Council, Place 3	Keith Bailey
Member of the City Council, Place 5	Daniel L. Tully
Member of the City Council, Place 7	Ron Sauma

It should be noted that the unopposed candidates will not take office until the first meeting following the May 12, 2007 election date. It should also be noted that

although Benbrook will be cancelling the Benbrook Officials election, Tarrant County will have a constitutional amendment election on May 12th. Proposition 1 will appear on the ballot as follows: "The constitutional amendment authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes for the 2006 and 2007 tax years."

Motion by Mr. Vander Pan, seconded by Mr. Schull to accept the Certification of Unopposed Candidates and adopt Ordinance No. 1232 cancelling the general election and declaring each unopposed candidate elected to office.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1232 being **"AN ORDINANCE CANCELLING THE MAY 12, 2007 REGULAR ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE."**

SECTION 1

The following candidates, who are unopposed in the May 12, 2007 general election, are hereby declared elected to office, to each serve a full two-year term and shall be issued a certificate of election:

Mayor, Place 1	Jerry Dittrich
Member of the Council, Place 3	Keith Bailey
Member of the Council, Place 5	Daniel L. Tully
Member of the Council, Place 7	Ron Sauma

SECTION 10

This Ordinance shall be in full force and effect after its passage, and it is so ordained.

Passed and Approved on this 5th day of April 2007.

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1691 Adopt Ordinance Amending Chapter 9 – Public Peace, Morals and Welfare of the Benbrook Municipal Code by adding Section 9.36 – Residency Restrictions for Sex Offenders

James Mills gave the following report: The State of Texas and the Tarrant County Sheriffs Office have primary jurisdiction over registered sex offenders in Benbrook. This includes terms and conditions of probation, parole, monitoring, and registration. The State has established numerous categories of sex offenders depending on age of victim, severity of offense, number of offenses, etc.

Although Benbrook's statutory authority is limited, the Texas Attorney General has ruled that municipalities may prohibit registered sex offenders of minors from residing within prescribed distance of a place frequented by children.

The proposed ordinance prohibits registered sex offenders of minors from establishing permanent or temporary residence within 2,000 feet of facilities frequented by children to include:

1. A public park
2. A library
3. A public or private school, except trade or business schools, colleges or universities
4. A public or semi-public swimming pool
5. A licensed day care center
6. A studio or facility for instruction in the arts or sports where classes are taught to four (4) or more children at a time
7. A church
8. A video arcade facility
9. A public or non-profit recreation facility

As defined by State Law, minors are anyone under seventeen (17) year of age. Permanent residence is defined as a place where a person lives for fourteen (14) or more consecutive days. A temporary residence is a place where a person lives a total of fourteen (14) or more days in a year or four (4) or more days in any month. The Benbrook Police Department will have primary jurisdiction over enforcement. The City will also maintain a map of restricted areas.

Motion by Mr. Schull, seconded by Mr. Allison to adopt Ordinance No. 1227 establishing residency requirements for registered sex offenders of minors.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1227 being “**AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 9 OF THE BENBROOK MUNICIPAL CODE BY ADDING SECTION 9.36, RESIDENCY REQUIREMENTS FOR SEX OFFENDERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**”

SECTION 5

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for all violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8

This Ordinance shall be in full force and effect from and after passage and publication as provided by law, and it is so ordained.

Passed and Approved the 5th day of April 2007.

G-1692 Authorize Benbrook Boulevard Beautification Project

Walter Shumac gave the following report: The City and EDC have worked diligently to improve the appearance of Benbrook’s primary entrance corridors. Improvements to the City’s south entrance via Benbrook Boulevard include rehabbing the Benbrook Lake sign, landscape improvements along Dutch Branch Park, and painting and repairing the Westpark Wall. Other improvements include Benbrook monument signs on east and westbound I-20 and the new sign under construction on RM 2871. In total, the projects have added to the City’s branding efforts and made Benbrook more attractive.

The EDC Board recently approved funding of a beautification project on Benbrook Boulevard. The proposed project replaces the existing wood rail fence fronting the Benbrook Stables from Park Road 1 to FM 2871 with a painted black steel pipe fence transitioned with rock columns. The project also includes two Benbrook monument signs. The monument signs are located at the fence ends (Park Road 1 and RM 2871). Vehicles waiting for the light at RM 2871 will have a clear view of the south monument sign. The monument signs will match the current monument signs on I-20 and RM 2871.

The project will be constructed and maintained by City personnel. The EDC is funding the materials cost for an amount not to exceed \$23,000. The proposed project is located solely on City property.

Motion by Mr. Stowe, seconded by Mr. Sauma to authorize the construction of monument signs and a new fence along Benbrook Boulevard from Park Road 1 to RM 2871.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1693 Interlocal Agreement with City of Fort Worth for Asphalt Overlay on Chapin Road

Dave Gattis gave the following report: As part of discussions with Fort Worth for adjusting the city limits boundary between Benbrook and Fort Worth, both parties agreed to jointly share in the cost of installing a 2-inch asphalt overlay over the portion of Chapin Road extending from Western Hills High School to Van Deman Drive. Benbrook agreed to take the entire portion of the street into its city limits and assume maintenance responsibilities. Fort Worth is participating because it is a boundary street, many of the residents use the street, and they also have a number of water and sewer lines under the street. Fort Worth also participated in 1991 in a similar overlay project on Chapin Road.

The asphalt overlay will be done as part of the annual Tarrant County overlay program. Tarrant County provides the labor and equipment, while Benbrook pays for the materials. The estimated cost of materials for this portion of Chapin Road is \$76,290. Under the Interlocal Agreement with Fort Worth, Fort Worth will reimburse Benbrook for 50 percent of the cost of materials, up to a maximum of \$40,000.

Motion by Mr. Sauma, seconded by Mr. Vander Pan to approve the Interlocal Agreement with Fort Worth for the rehabilitation of Chapin Road.

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

Noes: None

Motion carries unanimously.

B. CONTRACT

C-227 Approve Contract with Teague, Nall and Perkins for Schematic Design and Environmental Clearance for Benbrook Boulevard Widening Project

Dave Gattis gave the following report: Engineering for the Benbrook Boulevard Widening project is a 3-step process. The schematic design and environmental clearance is the first step. Once the schematics and environmental documents are approved by TxDOT and the Federal Highway Administration, the second step is to prepare plans, specifications and estimates (PS&E) which are the actual construction documents. The final step is to acquire any additional right-of-way and to construct the project. The contract authorization at this meeting is only for the first step.

Teague Nall and Perkins is the City's engineer and also prepared the schematic design for the I-20 ramp relocation and Texas turn-around project. TNP plans to use HNTB as a sub-consultant to assist in traffic analysis and environmental studies. HNTB was the consultant for the Benbrook Boulevard Master Plan.

The fee for the proposed schematic design contract is \$250,478.60. \$100,000 is in this year's budget and the remainder to be included in the next year's budget. The consultant is aware of this funding limitation.

Motion by Mr. Vander Pan, seconded by Mr. Schull to approve the contract with Teague Nall and Perkins for schematic design and environmental clearance for Benbrook Boulevard widening project to be paid from Account 01-5101-5211 from the fiscal year 2006-2007 and fiscal year 2007-2008 budgets.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IX. OTHER MATTERS OF BUSINESS

X. INFORMAL CITIZEN COMMENTS

XI. EXECUTIVE SESSION – Pursuant to Texas Government Code

Section 551-073 – Deliberation Regarding Real Property

1. Consider Counter Offer for Drainage Easement at 4105 Springbranch Drive for Plantation East Creek Drainage Project

Mayor Dittrich recessed the regular meeting at 7:58 p.m. to conduct Executive Session pursuant to Texas Government Code Section 551-073 – Deliberation Regarding Real Property to consider a counter offer for drainage easement for the Plantation East Creek drainage project.

XII. RECONVENE FROM EXECUTIVE SESSION

Take Necessary Action from Executive Session

Mayor Dittrich reconvened the regular meeting at 8:07 p.m. No action taken from Executive Session.

XIII. ADJOURNMENT

Meeting adjourned at 8:07 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary