



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, DECEMBER 21, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, December 21, 2006 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following Council members present:

James Schull
Keith Bailey
Rickie Allison
John Vander Pan
Larry Stowe
Ron Sauma

Also Present:

Andy Wayman, Assistant City Manager
Joanna King, City Secretary
Dave Gattis, Assistant City Manager

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Valerie Stowe
Scott Roberson
Jason Montgomery
Jason Lee
Bill Smith
Al Griner
Tom Eudaly
Mr. & Mrs. Harold Evetts
James Daniels
Faye Hickey
Mike Burnett
and 4 other citizens

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Pro Tem Allison.

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Alvin Fruga with Tabernacle of Praise
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held December 7, 2006

Motion by Mr. Sauma, seconded by Mr. Schull to approve the minutes of the November 16, 2006 regular meeting.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY CITIZENS

1. Tom Eudaly, One Benbrook Ranch Ltd. – Request for future refund of Parkland Dedication Fees

Mr. Gattis gave the following staff presentation: Parkland dedication provisions of the Subdivision Ordinance require one-acre of parkland per 100 dwelling units developed. The Subdivision Ordinance notes that qualifying parkland “must be suitable for park and recreation areas.” The Ordinance further describes areas primarily located in the 100-year floodplain and areas with unusual topography or slope that render the area unusable for recreation activities, as generally unsuitable for park dedication purposes. The Subdivision Ordinance does provide that land in the floodway fringe, but not in the floodway, shall qualify as one half (1/2) of the required parkland dedicated area. Land outside the 100-year floodplain qualifies for full credit of park dedication requirements and deficiencies can be made up with cash in lieu of land.

The combined credit toward parkland requirements in Brookside Phase I is 35,003 square feet. The minimum qualifying parkland requirement is 46,173.6 square feet (1.06 acre) for the 106 single-family lots. The qualifying parkland leaves a shortfall of 11,170.6 square feet (0.257 acres). In accordance with provision of the Subdivision Ordinance, the shortfall can be filled with cash in lieu of land at the rate of \$600.00 per lot, or \$15,420 for the Brookside Phase I final plat or the additional dedication of 0.257 acres of parkland meeting qualification requirements for the Subdivision Ordinance.

The developer is intending to deed the additional qualifying parkland once the necessary engineering evaluations are completed. The developer is requesting that the City Council allow for the future refund of the \$15,420 cash in lieu of land once the qualifying parkland requirements of 46,173.6 square feet is met.

Staff does not object to the proposal as a similar situation occurred in the development of Team Ranch.

Following discussion, motion by Mr. Stowe, seconded by Mr. Vander Pan to accept the proposed dedication of \$15,420 in cash in lieu of land at this point in time; that the land be accepted with available to be dedicated; and when the land is given to the City the \$15,420 to be returned to the developer.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

2. Scott Roberson – Market Center Bingo – Smoking Ordinance

Scott Roberson, owner of Market Center Bingo requested City Council to amend the smoking ordinance allowing exemptions to Bingo establishments. Mr. Roberson outlined the decline in attendance and deposit since the current smoking ordinance became effective November 1, 2006. He requested that the ordinance be amended at least until the City of Fort Worth or the State of Texas adopts ordinances prohibiting smoking in entertainment facilities.

Lengthy discussion was held with Mr. Roberson and among City Council Members regarding possible exemption to certain establishments.

Motion by Mr. Schull to temporarily exempt Market Center Bingo until the first meeting in February; to meet in work session after the January 4, 2007 meeting and before the first meeting in February to address the issues; and to have the City Attorney present at the work session.

Motion dies for lack of second.

Discussion continued.

Motion by Mr. Stowe, seconded by Mr. Schull to exempt the existing Bingo facilities within the City of Benbrook from the current smoking ordinance until February 1, 2007.

Mr. Vander Pan asked if the maker of the motion would consider an amendment also exempting the veteran organizations with the City. Mr. Stowe indicated he would not amend his motion.

Motion by Mr. Vander Pan, seconded by Mr. Sauma to group the veteran services located in the City of Benbrook under the same action.

Vote on the Motion to Amend:

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

Noes: None

Motion carries unanimously.

Vote on the Main Motion:

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

Noes: None

Motion carries unanimously.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1674 Financial Report for Month Ending November 30, 2006

Mr. Wayman gave the following report: General Fund revenues for the month of November totaled \$723,382. Year-to-date revenues totaled \$1,068,204.

General Fund expenditures for November totaled \$820,700. Year-to-date expenditures amounted to \$1,746,347. Through November, expenditures exceeded revenues by \$678,143.

Benbrook Economic Development revenues were \$102,253 while expenditures were \$64,883. For the year, expenditures exceeded revenues by \$967.00.

As of November 30, 2006, investments totaled \$9,540,180.

Motion by Mr. Sauma, seconded by Mr. Stowe to accept the financial report for the month of November 2006.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1675 Consider Projects and Call Public Hearing for 33rd Year CDBG Application

Mr. Gattis gave the following report: The City's application for the 33rd Year Community Development Block Grant (CDBG) is due on February 5, 2007. The program provides federal funds to benefit low and moderate income residents. Beneficiaries must meet income limits or live within a Target Area where a majority of households meet income limits.

Among the types of projects that may be funded are:

1. Acquisition of real property for public purposes that benefit low/moderate population.
2. Construction of streets, drainage, water and sewer lines, senior citizens centers, sidewalks, and removal of architectural barriers to the handicapped.
3. Public services such as child care, health care, recreation programs, services for seniors, services for the homeless, education programs, or energy conservation.
4. Rehabilitation of privately owned low-income houses.
5. Code enforcement in deteriorated areas without existing services.
6. Economic development with measurable benefit for low-income residents such as job creation.

Annual funding levels have dropped in recent years to approximately \$93,500, of which approximately 10 percent is usually allocated to architectural/engineering services. Projects must be usable at the end of each year's construction, so it is not possible to fund partial construction or to carry forward to the next year. Therefore, the normal project should cost approximately \$85,000. However, in recent years the City has budgeted \$10,000 as matching funds.

The following project should be given further consideration with the first three tentatively designed as highest priority:

1. Construct channel improvements at Childers Avenue.
2. Contract with Fort Worth Transportation Authority for Elderly and Handicapped Transit services.
3. Construct additional sidewalks and wheelchair ramps within the Target Area.
4. Pave the alley between Mercedes and Cozby North Street.
5. Improve handicapped access within Dutch Branch Park.

Other possible projects that City Council identified as lower priority include:

1. Reconstruct Estes Street from Childers to Davidson.
2. Reconstruct Bryant Street from Childers to Davidson.
3. Build handicapped access across U.S. 377 to Dutch Branch Park.
4. Use funds to reduce user fees at Benbrook Community Center/YMCA.
5. Pay the salary of the Senior Citizens Coordinator.
6. Allocate funds for gang intervention and graffiti control.
7. Allocate funds to Meals on Wheels program.

Staff recommends that the City Council tentatively designate the improvements of the Timber Creek channel between Childers Avenue and Wade Hampton Street in the Target Area as the 33rd Year CDBG project.

Motion by Mr. Stowe, seconded by Mr. Sauma to tentatively designate the improvements of the Timber Creek channel between Childers Avenue and Wade Hampton Street as the 33rd Year Community Development Block Grant project and the schedule a public hearing on January 18, 2007.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

Mr. James Daniels, Ms. Faye Hickey and Mr. Mike Burrett expressed appreciation to City Council for the exemption to Market Center Bingo and encouraged City Council to make the facility a permanent exemption.

Mr. Al Griner expressed appreciation to City Council for the work they do.

IX. ADJOURNMENT

Meeting adjourned at 9:05 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary