



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MARCH 1, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, March 1, 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
Keith Bailey

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Phyllis Wolfe, IT Coordinator

Others Present:

Ed Gallagher, City Planner
Cathy Morris, Administrative Analyst
Walter Shumac, Director of Public Services
Ron Rainey
Bill Smith
Daniel Tully
Bob & Joan Chew
Mr. & Mrs. Harold Evetts
Members of Boy Scout Troup 43
and 6 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 Walter Shumac
The Pledge of Allegiance was recited.

III. 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 to be removed from the Consent Agenda for separate discussion and action.

- 1. Minutes of the regular meeting held February 15, 2007**
- 2. Adopt Ordinance Vacating a 50-foot Wide Drainage and Utility Easement Area on Lot 1R, Block 1, Benbrook Industrial Park**

Motion by Mr. Schull, seconded by Mr. Sauma to approve the Consent Agenda 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.

Ordinance No. 1229 being **“AN ORDINANCE VACATING AND ABANDONING A FIFTY-FOOT WIDE UTILITY EASEMENT IN THE B. J. FOSTER SURVEY, ABSTRACT NO. 520, AND BEING A PORTION OF LOT 1R, BLOCK 1, BENBROOK INDUSTRIAL PARK; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.”**

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

- 1. Resolution Authorizing City of Benbrook to Enter into Joint Election Contract with Tarrant County for May 12, 2007 General Election**

Joanna King gave the following report: The regular election for Mayor, Place 1 and members of the Council in places 3, 5, and 7 is scheduled for May 12, 2007.

HB 1 passed during the 79th Legislative Session, 3rd called session, requires independent school districts to jointly hold trustee elections either with a municipality located within the district’s boundaries or with the County if on the November general election for state and county offices in even-numbered years. However, local municipalities are under no obligation to agree to hold joint elections with school districts. The City of Benbrook is located solely within the FWISD boundaries. While FWISD has contracted with Tarrant County to conduct their trustee elections for a number of years, those elections have not been held jointly with local municipalities within the district.

In order to guarantee the availability of election equipment to all entities holding elections on May 12, the Elections Administrator for Tarrant County has invited all municipalities to join into an election agreement. Tarrant County would then conduct school trustee elections for school districts located in Tarrant County as well as municipalities and other local subdivisions. Again, municipalities and local subdivisions are under no obligation to join into the agreement. Subsequent to the invitation, it has been determined that Counties within the State of Texas will be conducting a constitutional amendment election on May 12th thus making Tarrant County a party to the joint election agreement. This will also result in a shortage of election equipment.

The advantages of conducting a Joint Election include:

- Expanded early voting polling places. Tarrant County tentatively has 40 early voting polling places within the County. Benbrook residents would be able to vote early at any of these locations and not be restricted to voting only at the City of Benbrook early voting site. This means a Benbrook resident working in Arlington could vote at a site near his/her workplace without having to return to the Benbrook site.
- Voting equipment, election officials and polling places. Beginning January 1, 2006, one of the requirements of the Help America Vote Act is that at least one Direct Recording Electronic (DRE) machine be present at each polling place. This equipment is intended for use by the handicapped. Without the ability to lease the equipment from Tarrant County, the City would be required to either purchase four DRE machines and a significant number of regular voting machines or lease the equipment from another vendor. Any purchase would not include the programming necessary to read the ballots, thus increasing the cost to the City.
- Tarrant County will provide all necessary voting equipment, obtain all polling places and train all election personnel. In providing the equipment, the necessity of leasing the equipment from another vendor or making an outright purchase would be eliminated resulting in significant savings. The election day polling places will remain the same as past elections.

Motion by Mr. Allison, seconded by Mr. Bailey to adopt Resolution No. 2007-02 establishing a joint election in Benbrook, Texas and authorizing the City Secretary to enter into an agreement with Tarrant County.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2007-02 being **"A RESOLUTION ESTABLISHING PROCEDURES FOR A JOINT ELECTION IN BENBROOK, TEXAS BETWEEN THE CITY OF BENBROOK AND TARRANT COUNTY."**

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1685 Approve Settlement Agreement with Jack Bostick for Drainage Easement for Plantation East Creek Drainage Project

Dave Gattis gave the following report: Drainage improvements to Plantation East Creek were included in the 2004 bond program. The City has attempted to obtain drainage easements from 22 property owners in North Benbrook to construct the Plantation East Creek drainage project since November 2005. The City has obtained easements from 19 properties through negotiation and one through imminent domain.

Jack Bostick is the owner of property at 4020 Tara Drive and the City needs approximately 4,835 square feet of permanent easement plus an additional 10-foot temporary construction easement. The easement area includes several improvements including a bridge, a workshop and a greenhouse.

The City and Mr. Bostick have made several offers and counter-offers over the past year. The City and Mr. Bostick agreed to \$20,000 in August 2006, but Mr. Bostick later rejected the agreement.

City staff and Mr. Bostick agreed to a revised amount of \$24,834.50. The City has agreed to postpone condemnation if Bostick would agree to execute documents upon payment.

Motion by Mr. Stowe, seconded by Mr. Sauma to approve the settlement with Mr. Bostick to acquire a drainage easement at 4020 Tara Drive in the amount of \$24,834.50 to be paid from Account 04-3012-5286.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1686 Approve Benbrook Boulevard Master Plan

Dave Gattis gave the following report: Benbrook Boulevard (US 377) is a four-lane rural highway design with a continuous left-turn lane. Current traffic exceeds 41,000 ADT and approaches LOS E and F during peak periods. Traffic is projected to increase to over 72,500 ADT in 2035.

The City and TxDOT plan project in 2010 is to build a \$13 million 6-lane divided urban arterial. The City and Benbrook Economic Development Corporation retained HNTB, Inc. to prepare a master plan to make the new roadway an attractive boulevard rather than a typical highway project.

A 19-member Steering Committee was appointed to guide the consultant through the process. The Steering Committee was comprised of representatives of business owners, land developers, utility companies and government agencies that had an interest in the highway corridor. The Committee met in January, May and July of 2006. In addition, the consultants held a workshop with the City Council, EDC Board and Planning and Zoning in August 2006, and held a public workshop in October 2006. The consultants also assisted the Staff in preparing a segment about the project for Benbrook Spotlight which was aired on the City's cable TV channel and on the City's web page.

The key recommendations of the Plan to accompany the widening of the road to six lanes include:

- Construction of a landscaped median and controlled left turn lanes
- Provision of sidewalks on both sides of the roadway
- Improvements to intersections including architectural enhancements and pedestrian amenities
- Landscaping on both sides of the roadway
- The incorporation of several architectural themes and gateway elements to develop a unique identity for the corridor
- The reduction of the number of driveways entering the road by using shared driveways and off-roadway cross-access
- Suggestions for improvements to the City's design requirements for adjacent developments, including building orientation, signage, architectural standards and parking lot locations

What the Plan does:

- Serves as a guide for future design and planning
- Identifies additional costs associated with urban design
- Identifies techniques to make Benbrook Boulevard a centerpiece of the community while improving efficiency

What the Plan does not do:

- Does not commit to any specific improvements
- Does not commit to any specific driveway closures or relocations

- Does not provide dedicated bike lanes
- Does not commit funding for enhancements

The Plan will be used as a guide during the process of preliminary and detailed design over the coming years.

Motion by Mr. Vander Pan, seconded by Mr. Schull to approve the Benbrook Boulevard Master Plan with inclusion of a statement that future compatible and approved traffic control devices are to be considered as part of the plan.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1687 Approve Gas Lease Under Public Works Complex

Andy Wayman gave the following report: The City owns the mineral rights for the 3.83 acre public works complex. Vargas Energy controls the vast majority of the mineral rights adjoining the public works complex.

Vargas recently contacted the City to acquire an oil and gas lease for the public works complex. After negotiations, Vargas has agreed to:

- Two year lease term
- 25% royalty payment
- \$3000/acre signing bonus (\$11,490 total)
- No surface rights

Staff believes the offer is fair and market competitive.

Motion by Mr. Allison, seconded by Mr. Stowe to approve the mineral lease with Vargas Energy and allocate the lease bonus and future royalties to the Oil and Gas Fund.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. PURCHASE

P-254 Voting Board for City Council Chambers

Phyllis Wolfe gave the following report: Since October 2001, City Council meetings have been videotaped and rebroadcast over the Government Access Channel and later the website.

For broadcast purposes, the microphone system in the Council Chambers works well in most instances. However, it is often difficult to hear the individual votes of City Councilmembers on action items. An inexpensive resolution to this problem is the installation of a voting board system. A voting board system allows City Councilmembers to vote by pressing a button. The vote is recorded and all votes are displayed simultaneously on the video screen. This provides a visual indicator of the vote to the audience and is directly shown on the broadcast. The system uses a wireless keypad to transmit the vote to a base station. The base station is plugged into the staff computer for display. The cost of the system is \$1,281.00.

Motion by Mr. Vander Pan, seconded by Mr. Allison to approve the voting board at a cost of \$1,281.00 to be paid from the PEG account.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN COMMENTS

X. ADJOURNMENT

Meeting adjourned at 8:30 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary