



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JULY 6, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, July 6, 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
Dave Gattis, Assistant City Manager
Andy Wayman, Assistant City Manager
Phyllis Wolfe, IT Coordinator
Tommy Davis, Fire Chief

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Valerie Stowe
Daniel Tully
Bill Smith
Mr. and Mrs. Don Ruhs
Danny, Marilyn and Kara Perkins
Diana Crosthwait
Host Families and Guest from Ballymoney, Ireland:
Pamela Brandenburg with Sponsor Benny Knight
Patty, Ralph, Bianca, Angelina, and Mia Bissey with Natalie McCaughern
James, Amanda and Candace Garcia with Darren McAleese
Sarah Stewart with Kim Kinnaird
Chandrie Cook with Sara-Anne Walker
Jeremy, Caroline, Jadyn Martin with Sponsor Samantha Logan
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 was given by Bill Smith, member of First Baptist Church.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held June 15, 2006

Motion by Mr. Allison, seconded by Mr. Stowe to approve the minutes of the June 15, 2006 regular meeting 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.

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

V. REPORTS OF CITY MANAGER

A. GENERAL

G-1638 Consider Interlocal Agreement between the City of Fort Worth and the City of Benbrook for Mutual Aid Fire Services

Mr. Conklin gave the following report: In the late 1970s, the City of Benbrook paid for the construction of two fire stations in the City of Fort Worth. In turn, Fort Worth agreed to staff and equip the stations and to provide fire services for portions of Benbrook north of I-20. The service provision term was ten (10) years. The contract required Fort Worth to extend fire service provisions for additional five-year terms with an annual service fee from the City of Benbrook. The first phase of this extended agreement began in 1990.

With each contract extension, the City of Benbrook became more capable of providing fire service to the area. With the addition of the aerial truck, full-time personnel, and improved equipment, Benbrook began to mirror Fort Worth's response to calls in the contract area. Over time, Fort Worth's response to

fire calls also began to change. Through a new fire chief, Fort Worth determined that Fort Worth would respond only when fire or smoke was reported by a credible source. This effectively ended responses to fire alarms, smell of smoke, electrical shorts, and other non-fire present incidents. Fort Worth still responds to major fire incidents with a one-alarm assignment (two pump companies, one ladder company, and one district chief).

Currently, the annual cost for the fire services contract is \$275,000. The staff expects the cost to escalate to \$300,000 in fiscal year 2006-2007. Consequently, the term for the present fire service agreement expires September 30, 2006.

Staff informed Fort Worth one year ago that the City of Benbrook would most likely not renew the contract under the extension clause at the end of the contract. At the same time, Fort Worth began Skyline Ranch subdivision, which will ultimately contain approximately 300 homes. Benbrook determined that Fort Worth was not prepared to make a timely response for fire service to this subdivision because of the distance to the closest Fort Worth fire station. Benbrook, however, could respond from our central station in less than half the time.

For the exchange of fire and EMS services to Skyline Ranch, Fort Worth has agreed to continue one alarm response to the portion of Benbrook currently served under contract. Simply stated, the service now provided under the fire services contract will continue through an interlocal agreement. Fort Worth will continue the same level of fire service to North Benbrook. Benbrook will provide fire and first responder EMS service to Skyline Ranch. The proposed agreement will not require financial contribution by either City.

The agreement will be for one year upon the approval of both cities and will renew automatically for additional on-year periods. The contract can be terminated by either city on sixty days notice.

Motion by Mr. Schull, seconded by Mr. Sauma to enter into a fire services agreement with the City of Fort Worth for one year with renewal option.

Vote on the Motion:

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

Noes: Mr. Stowe

Motion carries 6-1.

G-1639 Ordinance Amending Chapter 8.36 – Oil and Gas Wells of the Benbrook Municipal Code

Mr. Wayman gave the following report: The Current Gas and Oil Well Drilling ordinance was adopted in 1983. To date, there have been no drilling permits

requested. However, the development of the Barnett Shale Gas Field virtually guarantees a future permit application.

The proposed ordinance is more restrictive and comprehensive to protect the interest of the public. The ordinance:

- Increases the minimum drilling setback from 300 to 600 feet from houses, churches, etc. unless a special waiver is secured.
- Requires enhanced drilling technology to promote safety and prevent accidents.
- Establishes measurable noise standards.
- Restricts hours for drilling and other site development work.
- Requires enhanced clean up, fencing and landscaping.
- Requires environmental pollution insurance.
- Provides for engagement of a City technical advisor for well inspections.

High Impact Wells (within 600 feet of a protected use are prohibited unless:

- Specifically approved by the City Council following a public hearing; or
- With written and notarized waivers from all protected users within the 600-foot radius.

High Impact Wells require:

- Six-foot masonry wall enclosure.
- Closed loop containment system.
- Restricts storage tank height to 8-feet.
- Requires site clean-up, tree preservation/planting and landscaping.

Urban Wells (600 feet and beyond) are permitted by City staff. Requirements include:

- All surface owners within 1,000 feet are to be notified.
- Site clean-up, tree preservation/planting and landscaping.
- Quality 6-foot high chain link fencing.
- Storage tank height to 8-feet.

Rural Wells (1,000 feet and beyond plus on 25 acres of open land) are permitted by City staff and requires quality chain link fencing. Base material is to be removed and the well site is to be revegetated to its natural condition.

Motion by Mr. Allison, seconded by Mr. Stowe to adopt Ordinance No. 1210 updating regulations for Oil and Gas Wells in the City of Benbrook.

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.

Ordinance No. 1210 being **“AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS AMENDING CHAPTER 8.36 OF THE BENBROOK MUNICIPAL CODE, OIL AND GAS WELLS; AND PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.”**

SECTION 4

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 Two Thousand Dollars (\$2,000.00) for all violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7

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

G-1640 Authorize Condemnation of Drainage Easements for Plantation West Creek Drainage Project

Mr. Gattis gave the following report: One of the projects included in the 2004 bond program was the enlargement of the Plantation West Creek between Twilight Drive South and Mary's Creek Drive. The City requested eighteen (18) easements in January 2006. Ten easements were donated following the request.

On May 1, 2006, monetary offers were made to the remaining eight properties. The City purchased three easements. At the end of June, the City had obtained 13 of the 18 easements necessary to build the project. Staff believes that we will be able to obtain two or three of the remaining easements, leaving two to three that cannot be obtained through negotiation.

The next step is to authorize staff to proceed with condemnation to obtain the remaining easements. This will involve hiring an appraiser to make an appraisal of the fair market value of each easement, attorney's fees,

condemnation court commissioner's fees, expert witness fees, plus any amount awarded to the landowner of each easement.

Motion by Mr. Vander Pan, seconded by Mr. Bailey to authorize the staff to proceed with necessary steps to obtain the drainage easements for Plantation West Creek through condemnation.

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-1641 Consider Participation in NAS Fort Worth JAB Joint Land Use Study

Mr. Gattis gave the following report: Naval Air Station Fort Worth Joint Reserve Base (NAS Fort Worth JRB) is an important part of the Benbrook economy. Many of our residents are employed at the Base or at Lockheed Martin, which is located on land owned by the Base and uses the Base's airfield. In addition, many of our residents are retired military and use many of the services offered at the Base.

During the last round of Base Realignment and Closure (BRAC) process, the importance of urban encroachment as a threat to continued base operations became apparent. The BRAC Commission recommended the closure of NAS Oceana in Virginia Beach, VA because of the extensive urban development that was allowed to occur immediately adjacent to the Base.

White this did not become an issue at NAS Fort Worth JRB during the last BRAC round, the local BRAC Task Force realized that urban encroachment could easily jeopardize the continued existence of NAS Fort Worth in the future. As a result, several of the surrounding cities, in association with the Fort Worth Chamber of Commerce and NAS Fort Worth personnel, have joined. These cities propose that a Joint Land Use Study be conducted to make recommendations to the surrounding cities to review land use strategies that may be detrimental to the viability of the Base. The group recommended that the North Central Texas Council of Governments (NCTCOG) act as project sponsor and that a grant be requested for the U.D. department of Defense's Office of Economic Adjustment.

Benbrook was asked to join the group in May when it was realized that the latest noise contours affected land within Benbrook. Lockheed Martin is participating as an ex officio member.

Participation in the project does require that Benbrook review and implement any recommendations made by the Study, if the City Council believes it is in

the best interests of the City. Recommendations may include changes to our Land Use Plan, zoning regulations, and/or building codes.

As a participant, Benbrook will be entitled to have representation on the Policy Committee and on various technical working committees. The Policy Committee sets overall policy for the study as it progresses. It is recommended that the representative on the Policy Committee be an elected official. Assistant City Manager Dave Gattis has been attending the monthly meetings of the technical working group. Unless the City Council decides otherwise, it is recommended that he continue in this role and report to City Council as appropriate.

It is also anticipated that the City's cost for participation will be provided by in-kind service by City staff.

Motion by Mr. Stowe, seconded by Mr. Sauma to:

1. Adopt Resolution No. 2006-10 authorizing participation in the Joint Land Use Study
2. Appoint Dave Gattis to the Technical Committee;
3. Appoint Councilmember Ron Sauma and Councilmember Keith Bailey to the Policy Committee

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2006-10 being **“A RESOLUTION OF THE CITIES OF BENBROOK, LAKE WORTH, FORT WORTH, WHITE SETTLEMENT, RIVER OAKS, WESTWORTH VILLAGE 9ENTITIES). AND THE NAVAL AIR STATION JOINT RESERVE BASE IN FORT WORTH, TEXAS (NAS FORT WORTH JRB) SUPPORT THE DEVELOPMENT OF A JOINT LAND USE STUDY (JLUS) IN RESPECT TO NAS FORT WORTH JRB.”**

B. PURCHASE

P-249 Purchase Government Access Channel Equipment

Ms. Wolfe gave the following report: Since October 2001, City Council meetings have been videotaped and rebroadcast over the Government Access Channel. This provides the public many opportunities to observe City Council meetings and be informed of City activities. To improve the quality of broadcast, City Council approved a Public, Educational and Governmental (PEG) Access Fee in September 2003. The PEG fund can only be used for

capital improvements to the Government Access Channel. The fund presently contains \$30,000.

Over the years, staff has made occasional upgrades to the video system. The City purchased new tape decks to replace broken units. In April 2004, staff upgraded the controller, to add a "bulletin board" using presentation in place of the character generator. In November 2004, City Council approved the addition of another camera for higher quality recordings.

In addition to the City Council broadcasts, the Economic Development Corporation began sponsoring "Benbrook Spotlight", a 30-minute community news show. Other programming includes Storm Spotter Training, Warning Siren education, Air Quality Control, Keep Texas Beautiful promotions, Floodplain Information Videos and more.

Broadcasting is currently limited to only two events on any day. The City has one VHS player and one S-VHS player. To add programming means a staff member must physically switch out tapes and reprogram the system.

In the past year, digital video recorders have become the standard in television. Prices have dropped as competition increases. This technology has been incorporated into a broadcast controller, which is called a digital video server. This server combined with external hard drives, will store and broadcast all of the programming without the physical limitations currently limiting tape broadcasts.

The purchase of this capital equipment would qualify as "PEG" expenditure. The cost of the Video System Controller Digital Video Server, two 500 GB external hard drives, and a multi-format DVD Player/Recorder with installation is under \$8,000. The PEG account contains ample funds to cover this cost.

Motion by Mr. Schull, seconded by Mr. Stowe to approve the purchase of the government access channel equipment as specified, at a cost not to exceed \$8,000 from the PEG fund.

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.

VI. OTHER MATTERS OF BUSINESS

VII. INFORMAL CITIZEN PRESENTATION

Mr. Danny Perkins, President of Benbrook Sister Cities, Inc. and quest from Friendship City Ballymoney, Ireland presented City Council with artwork they

designed reflecting their recent stay in Benbrook, Texas. Mr. Benny Knight, sponsor with the Ballymoney group expressed appreciation to the City Council for the experiences they have enjoyed.

VIII. ADJOURNMENT

Meeting adjourned at 8:20 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary