



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

The regular meeting of the Benbrook City Council was held on Thursday, April 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  
David Gattis, Assistant City Manager  
Andy Wayman, Assistant City Manager  
Phyllis Wolfe, IT Coordinator  
Sherri Newhouse, Budget Director

Others Present:

Dorcas Neuman, Benbrook News  
Ed Gallagher  
Ron Rainey  
Valerie Stowe  
Daniel Tully  
Sam Balkum  
Tammi Cauthen  
Bobby Spence  
Bill Smith  
Mr. and Mrs. Perry Stokes  
Mr. and Mrs. Larry O'Brien  
Kelly Dillard  
Joel Peal  
Shawna Gibson  
Pam Bumpas  
Rick Whitehurst  
Pat Dunkin  
Julie Haines  
Gary Corlius  
Joan Chew  
and 12 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 Deacon Jerry Pilipek with Tabernacle of Praise  
The Pledge of Allegiance was recited.

**III. MINUTES**

**1. Minutes of the regular meeting held March 16, 2006**

Motion by Mr. Vander Pan, seconded by Mr. Bailey to approve the minutes of the March 16, 2006 regular meeting.

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. PROCLAMATION/AWARDS/RECOGNITION**

**1. Proclamation Establishing April as FitFuture Month**

Mayor Dittrich read a proclamation on behalf of the Benbrook Community Center/YMCA proclaiming April as FitFuture Month.

**V. CITIZEN REQUEST**

**1. Benbrook Area Chamber of Commerce – Benbrook Green Garden Day**

Mr. Sam Balkum with the Benbrook Area Chamber of Commerce announced that the Chamber would be hosting Benbrook Green Garden Day on April 29, 2006 at the Dutch Branch Park Athletic Complex. The event is a celebration of Green and Arbor Days with exhibitors and lectures. Several activities are planned during the event, including information and gardening tips.

Mr. Bobby Spence, representative of sponsor Nature's Guide requested additional funding for \$2,000 to assist in advertising venues for the event.

Mrs. Tammie Cauthen, President of the Chamber of Commerce stated the budget presented to City Council is a breakeven with minimal advertising in the Benbrook News and StarTime. With the additional funding,

advertisements will be placed in other venues to offer full exposure. She advised that there would be no admission fee charged for the event.

Motion by Mr. Vander Pan, seconded by Mr. Schull to provide the \$2,000.00 as requested from the Hotel/Motel Tax Funds.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

## **2. Rita Stokes – Plantation East Drainage Project**

Mayor Dittrich announced that this item would be moved on the agenda to follow presentation on Item G-1613.

## **VI. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION**

### **EDC-2006-02 Ratify Benbrook Economic Development Corporation Bylaws**

Ron Rainey, Executive Director with the Benbrook Economic Development Corporation stated that at the March 20, 2006 meeting of the BEDC, the Board approved amendments to their Bylaws. He stated the amendments include:

Section 2.01 – Number, Appointment, and Term of Office – includes language regarding forfeiture of office for failure to attend three consecutive regular meetings without review and approval of the board.

Section 2.03 – Regular Meeting; Place of Meeting – sets the third Monday of each month as the regular meeting date. Also sets the third Monday in November of each year as date for election of officers. This is the first meeting date following board appointments by City Council.

Section 2.04 – Special Meetings – includes electronic communication has a means to provide notice to each director of a special meeting.

Section 3.05 – Power and Duties of the Secretary – removes the maintenance of records from the City Secretary and places that responsibility of the Corporation.

Motion by Mr. Schull, seconded by Mr. Sauma to ratify the Benbrook Economic Development Corporation Bylaws as presented.

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.

## **VII. PRESENTATION BY PLANNING AND ZONING COMMISSION**

## **VIII. REPORTS OF CITY MANAGER**

### **A. GENERAL**

#### **G-1613 Consider Status of Plantation East Creek Project (continued from 3-2-06)**

Mr. Gattis gave the following report: This project was included in the 2004 bond program to enlarge the Plantation East Creek channel behind Tara Drive. The project will remove at least 20 homes from the 100-year floodplain, including one repetitive loss property. The homes are partially protected by the 1992 drainage project.

Staff has been seeking necessary drainage easements since November 2005. Since March 2, 2006, staff has received one additional easement, one letter rejecting the City's counteroffer, and one letter of opposition.

The options available to the City Council include:

- Authorize staff to proceed with condemnation to obtain the remaining 10 easements with recognition that there may be insufficient funds to build the project, or
- Postpone the project indefinitely and reconsider the project again at a future date as part of another bond program. Unexpended funds could be used for other drainage projects.

Staff recommends that the City Council authorize the staff to proceed with acquisition of easements through condemnation, and bring a funding proposal back to City Council when easements have been obtained.

Mayor Dittrich called on Rita Stokes to make her presentation. Mrs. Stokes presented a series of photographs of the area considered for improvements. She illustrated the amount of property she would lose for the permanent easement. Photographs also included property of Mr. and Mrs. O'Brien and Mr. Jack Chaney. Mrs. Stokes stated that with the completion of the drainage project, she would lose a portion of the existing deck area because the easement would not be allowed to hang over the channel. She also stated her property would lose a large number of trees that could not be replaced.

Mayor Dittrich allowed Mrs. Lydia O'Brien to speak regarding the project. Mrs. O'Brien indicated that her property would suffer a great loss for the

amount of property being taken for the easement, removal of existing landscaping and the removal of a utility shed.

Kelly Dillard, Engineer with Teague, Nall and Perkins address questions from City Council regarding the project. Items discussed included: a vertical wall as opposed to a gabion wall, amount of property needed for permanent and temporary easements. During discussion, Mrs. Dillard and Dave advised that a portion of the property described by Mrs. O'Brien would only be a temporary easement and at the completion of the project, property would be restored to equal or greater value and there would be no reason to remove the utility shed. Mr. Gattis indicated that something could be worked out with Mrs. Stokes regarding the placement of the patio deck.

Following discussion, motion by Mr. Vander Pan, seconded by Mr. Sauma to authorize staff to proceed with acquisition of easements through condemnation and bring a funding proposal back to City Council when the easements have been obtained.

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-1618 Ordinance Amending Chapter 10.16 – Commercial Vehicles of the Benbrook Municipal Code by amending Section 10.16.140 Parking of Trucks, Buses, etc. on City Streets**

Mr. Wayman gave the following report: Section 10.16.140 of the Benbrook Municipal Code regulates parking of trucks, buses, trailers and semi-trailers on public streets. This section was last updated in 1984.

The proposed updates accomplish four objectives:

1. Eliminate the long-term storage of small utility trailers on public streets for periods of time exceeding 8 hours.
2. Allows for essential commercial activities like UPS deliveries, furniture deliveries, etc.
3. Corrects a conflict with the Zoning Ordinance related to recreational vehicles.
4. Provides flexibility to the Police department to relocate a truck, bus or trailer when a safety issue is created

The proposed updates do not apply to:

1. vehicles on private property.
2. passenger vehicles like minivans, cars, pick-up trucks, etc.
3. recreational vehicles

Mr. Wayman answered questions from City Council to clarify that trailers or semi-trailers of any size are prohibited from parking or standing on any street for a period exceeding eight (8) hours. The length, width and height restrictions of the ordinance only apply to a bus, truck, van truck-tractor or any other type of self propelled trackless conveyance, other than a recreational vehicle.

Motion by Mr. Vander Pan, seconded by Mr. Schull to approve the proposed amendments to Section 10.16.140 of the Benbrook Municipal Code to become effective June 1, 2006,

Vote on the Motion:

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

Noes: Mr. Stowe

Motion carries 6-1.

Ordinance No. 1204 being **“AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 10.16.140, PARKING OF TRUCKS, BUSES, TRAILERS, SEMI-TRAILERS, ETC. ON CITY STREETS; 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; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

## **B. CONTRACT**

### **C-218 Contract for Traffic Signal Installation – Winscott Road and Lakeside Drive**

Andy Wayman gave the following report: For FY 2006/2007, City Council budgeted \$100,000 to design and construct a traffic signal at Winscott Road and Lakeside Drive. The Engineering was completed in March at a cost of \$17,150. The engineers' estimate of construction cost was \$80,000.

The City solicited competitive bids for the project. Two bids were received with Sharrock Electric having the low bid of \$64,826. Staff was not surprised by the low number of bidders due to project demand throughout the Metroplex.

Staff and the City Engineer believe Sharrock Electric is a very qualified bidder. Sharrock Electric previously constructed both traffic signals on Winscott Road. The low bid price is outstanding and represents a budgetary savings of

\$15,174. Construction is anticipated to be complete by the end of the summer.

Motion by Mr. Bailey, seconded by Mr. Stowe to accept the low bid of \$64,826 from Sharrock Electric to be paid from account number 01-41-01-5219.

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.

## **IX. OTHER MATTERS OF BUSINESS**

### **1. Certificate of Unopposed Candidates and Ordinance Canceling May 13, 2006 General Election**

Joanna King gave the following report:: In accordance with State law, a general election was ordered for May 13, 2006 to elect members to serve on the Benbrook City Council in Places 2, 4, and 6. There were no propositions to appear on the ballot in that election.

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office in the election scheduled for May 13, 2006:

|                                     |                 |
|-------------------------------------|-----------------|
| Member of the City Council, Place 2 | James D. Schull |
| Member of the City Council, Place 4 | Rickie Allison  |
| Member of the City Council, Place 6 | Larry L. Stowe  |

The filing deadlines for placement on the ballot and declaration of write-in candidacy has 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.

Motion by Mr. Schull, seconded by Mr. Sauma to accept the certification of unopposed candidate, and adopt Ordinance No. 1204 canceling the general election and declaring each unopposed candidate elected to office.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1205 being “**AN ORDINANCE CANCELING THE MAY 13, 2006 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.**”

**X. INFORMAL CITIZEN PRESENTATION**

**XI. ADJOURNMENT**

Meeting adjourned at 9:22 p.m. followed by a worksession.

**APPROVED:**

\_\_\_\_\_  
**Jerry B. Dittrich, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Joanna King, City Secretary**