

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, OCTOBER 4, 2007
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.
2. Receive other information from staff and Boards and Commissions.

**REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

**II. INVOCATION – Pastor Todd Pylant with First Baptist Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held September 20, 2007

IV. CITIZEN PRESENTATION

1. TXAPA Certificate of Achievement in Planning
2. Paul Brown – Request for Ordinance prohibiting Engine Braking

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

- G-1738 Ordinance amending Chapter 8.20 of the Benbrook Municipal Code by prohibiting use of engine brake system without an exhaust muffler sufficient to prevent the creation of excessive noise
- G-1739 Consider Concessionaire Agreement with Benbrook Lake Marina (Ownership Transfer)
- G-1740 Consider Concessionaire Agreement with Power Play Racing (Ownership Transfer)

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS – State Law prohibits any deliberation of or decisions regarding items presented in information citizen comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.

IX. EXECUTIVE SESSION – Pursuant to Texas Government Code Section 551.087, Deliberation Regarding Economic Development Negotiations

1. Potential Incentives for Benbrook Field Development

X. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 20, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, September 20, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Keith Bailey
Ron Sauma
Rickie Allison
Dan Tully
Larry Stowe
James Schull

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
David Ragsdale, Comptroller
Sherri Newhouse, Budget Director

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher, City Planner
Walter Shumac, Public Service Director
Ron Rainey
Ralph & Patty Bissey
Charlie Anderson
Lonnie Huett
Kyle Carr
James Wilson
Jim Amick
Marty Liljekvist
LeRoy Grawunder
Sam Balkum
Marilyn Perkins
Al Griner
And 5 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 August 16, 2007

Motion by Mr. Allison, seconded by Mr. Stowe to approve the minutes of the regular meeting held August 16, 2007 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

2. Minutes of the regular meeting held September 6, 2007

Motion by Mr. Sauma, seconded by Mr. Schull to approve the minutes of the regular meeting held September 6, 2007 as written.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2007-03 Ratify Benbrook Economic Development Corporation Budget for FY2007-2008

Mr. Charlie Anderson, President of the Benbrook Economic Development Corporation stated at the September 17, 2007 Benbrook Economic Development Corporation Board meeting the Board of Directors unanimously voted to resubmit the same budget as submitted to City Council on September 6, 2007 in the amount of \$8,974,083. Mr. Anderson requested the City Council ratify the BEDC budget for Fiscal Year 2007-2008.

Motion by Mr. Tully, seconded by Mr. Schull to ratify the Benbrook Economic Development Corporation Budget for Fiscal Year 2007-2008.

Discussion followed regarding the resubmission of the same budget and the inclusion of incentive pay for the BEDC Director.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Tully

Noes: Mr. Allison, Mr. Stowe, Mr. Sauma

Motion carries 4-3

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2007-08 Adopt Ordinance rezoning the south 79.09 feet, being 0.208 acres of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (103 Del Rio Ave.)

Mr. Gattis gave the following report: The subject property is the south 79.09 feet of Lot 25, Block 6, Benbrook Estates. The existing zoning is "B"-One Family Residential and the proposed zoning is "CR" Multiple Family Restricted District to facilitate duplex residential construction. Mr. J.D. Campbell is the owner of the property and the applicant is Jerome Hilderbrand. The proposed rezoning is compatible with the Land Use Plan which calls for Medium Density Multiple Family Residential use.

The Planning and Zoning Commission recommended approval at their August 2007 meeting.

Mayor Dittrich opened the public hearing at 8:07 p.m. No one from the audience spoke to the item. Mayor Dittrich closed the public hearing at 8:07 p.m.

Motion by Mr. Sauma, seconded by Mr. Stowe to rezone the south 79.09 feet of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1246 being **"AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY CHANGING THE ZONING CLASSIFICATION OF THE**

SOUTH 79.09 FEET OF LOT 25, BLOCK 6, BENBROOK ESTATES IN THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, FROM “B” ONE FAMILY DISTRICT TO “CR” MULTIPLE FAMILY RESTRICTED DISTRICT AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.”

SECTION 1

Ordinance No. 808, as amended, is hereby amended to change the zoning classification of the south 79.09 feet of Lot 25, Block 6, Benbrook Estates in the City of Benbrook, Tarrant County, Texas, such property being more particularly described by metes and bounds as follows, from “B” One Family District to “CR” Multiple Family Restricted District:

A portion of Lot 25, Block 6, BENBROOK ESTATES, an Addition to the City of Benbrook, Tarrant County, Texas, according to the plat recorded in Volume 388-C, Page 35 Plat Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron set with Fulton Surveying cap at the Southwest corner of said Lot 25 and the Northwest corner of Lot 24, said Block 6, in the East line of Del Rio Avenue (50 foot R.O.W.)

THENCE North 24 degrees 44 minutes 00 seconds East along the East line of said Del Rio Avenue 79.09 feet to a 5/8 inch iron found;

THENCE South 65 degrees 29 minutes 10 seconds East 98.99 feet to a 5/8 inch iron found in the East line of said Lot 25 and the West line of Lot 2, said Block 6;

THENCE South 03 degrees 52 minutes 00 seconds West along the common line of said Lots 25 and 2, a distance of 85.07 feet to a 5/8 inch iron found at the Southeast corner of said Lot 25 and the Northeast corner of said Lot 24;

THENCE North 65 degrees 15 minutes 30 seconds West along the common line of said Lots 25 and 24, a distance of 129.29 feet to the POINT OF BEGINNING and containing 0.203 acre of land.

SECTION 8

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

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1728 Financial Report for month ending August 31, 2007

Mr. Ragsdale gave the following report: General Fund revenues for the month of August totaled \$394,790. Through August, total collections were \$11,514,288 or 95.73% of the amount budgeted.

No department is over expended and staff still anticipates ending the fiscal year in the black due to expenditure savings.

General Fund expenditures for the month of August totaled \$857,911. Through August, total expenditures were \$10,446,253 or 86.86% of the original budget. At August 31, 2007 revenues exceeded expenditures by \$1,068,036.

The August revenues for Benbrook Economic Development Corporation were \$87,847, with most of this amount coming from Sales Tax. Expenditures were \$57,362. Through the end of August, expenditures exceed revenues by \$553,292.

At August 31, 2007 the City had investments in the amount of \$11,086,444.

The reason the City will likely not meet budgeted revenue projections were that the building permits for Wal-Mart and Home Depot were not issued this year. These permits represent approximately \$150,000 in potential revenue.

Motion by Mr. Allison, seconded by Mr. Sauma to accept the financial report for the month of August 2007 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1729 Consider adoption of an Ordinance authorizing the issuance and sale of City of Benbrook, Texas, Combination Tax and Revenue Certificate of Obligation, Series 2007; levying an annual ad valorem tax and providing for the security for and payment of said certificate; providing an effective date; and enacting other provisions relating to the subject.

Mr. Gattis gave the following report: The Plantation East Creek drainage project is the last project in the 2004 bond program that has not begun construction. The last drainage easement was acquired in April of this year. On June 7th, the City Council

authorized the staff to proceed with the issuance of approximately \$1.035 million in certificates of obligation to fund the Plantation East Creek drainage project and on August 2nd authorized the publication of the Notice of Intent. The Notice was published in the newspaper on August 9th and August 16th and bids were opened by the City's financial consultant on August 29, 2007.

Ms. Marty Liljekvist representative of First Southwest, the City's financial consultant addressed City Council. First Southwest took the strategy of privately placing the bonds. Interest rate proposals were solicited from several banks to act as the sole purchaser of the bonds. This enables the City to significantly reduce costs. Cities do not participate in the open market sale when placed with banks. Therefore, does not have to purchase insurance, are not required to obtain bond ratings, do have to prepare an offering document and do not pay Underwriter fees and expenses. In addition, the banks typically have a very strong appetite in this type transaction and can give you a very competitive rate.

Bank of America can in as the lowest bid for the City's bonds at a 4.04% interest rate.

Ms. Liljekvist provided Bond Buyers Historical Index of CO Bonds as compared with the City of Benbrook and the current index and the detailed payment structure for the issue. The bonds are scheduled to be sold on October 23, 2007.

Motion by Mr. Tully, seconded by Mr. Schull to accept the best bid and approve Ordinance No. 1247 authorizing the sale of \$1,035,000 in certificates of obligation.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Sauma

Noes: Mr. Stowe

Motion carries 6-1

Ordinance No. 1247 being **“AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BENBROOK, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2007; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATE; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.”**

G-1730 Public Hearing on Proposed Budget for Fiscal Year 2007-2008

Sherri Newhouse gave the following report: The 2007-08 Proposed Budget Summary Document is comprised of eight sections: (1) Summary, (2) Fund Balance Status, (3) Revenues, (4) Expenditures, (5) Activity Summaries, (6) Decision Packages, (7) Debt Service, and (8) Supplementary Information.

The 2007-08 City of Benbrook Budget is based on total General Fund and Debt Service Fund revenues of \$13,921,627 and total General Fund and Debt Service

Fund expenditures of \$13,697,565. The proposed budget also includes the transfer of \$250,000 from the General Fund to the Core Values Fund. The use of General Fund reserves in the amount of \$125,000 are scheduled to finance a traffic signal. These two items result in a variance of \$150,938 between operating fund revenues and expenditures.

The property tax rate reflected in the 2007-08 proposed budget decreased by two and one-half cents from the 2006-07 rate of \$0.7225 per \$100 valuation; the rate proposed by the City Manager and approved by the City Council for 2007-08 is \$0.6975 per \$100 valuation. Each one cent reduction in the property tax rate is equal to approximately \$126,519.

The 2007-08 proposed budget includes the addition of four new Police Officer positions in the Police Department. One additional Patrol Officer will be assigned to Western Hills High School; currently one Patrol Officer is assigned to WHHS. The budget reflects an increase in revenue from Fort Worth ISD for reimbursement for a portion of salary costs for the new position. The other three Patrol Officer positions will allow the Police Department to expand patrol activities by adding another Patrol District.

The proposed budget includes a 3.00 percent cost-of-living adjustment (COLA) in salary for all full-time employees; this salary increase is estimated to cost \$228,515 for salaries and associated fringe benefits for full-time employees. Funds are also included for scheduled merit increases for eligible employees. The proposed budget includes funds to finance an up to 15.00 percent increase in employee health, dental, and life insurance; this increase is applied to the amount budgeted for 2006.07.

The proposed budget does not include the reclassification of any position nor does it reflect any special salary adjustments. Departments did request consideration for salary increases for the Senior Citizen Director and for the part-time employee in Fleet Maintenance; reclassifications were requested for the Police Department's Administrative Manager and for the Inspectors in Community Development. These requests are deferred for at least one year until a formal salary study may be completed that reviews and analyzes compensation and classification for all positions.

Funds are included in the proposed budget to replace and/or provide the following equipment and vehicles: document imaging software for the Fire Department (administered by the City Secretary); four (4) replacement Police vehicles and one (1) additional Patrol vehicle (this additional vehicle will be funded from the Police Narcotics Fund); two (2) cages for Patrol vehicles; replacement vehicle for Assistant Fire Chief; LifePak 12 cardiac monitor for Fire Department; light poles for Ball Field #2; all-in-one utility rake for Parks Department; generator for West Park elevated tank; and replacement of computers for Deputy City Secretary, Chief Finance Officer, Customer Service Clerk and cash register in Finance Department, Information Technology Coordinator, Communications/Records personnel in Police Department, Patrol Officers, Code Compliance Officer, Public Works Superintendent, and Building Inspector.

The budget includes funds to continue the Wireless Project into the 2007-08 fiscal year. Funds are also included to implement intoxilyzer testing in the Police Department. Funds are allocated to the Fire Department to begin replacement plan for SCBA, to initiate a compressed air form system, and to install a LifePak 12 cardiac monitor in an additional ambulance. The Public Works Department will begin phase one of upgrading street signs and phase one of converting signal lights to LED; these programs will be completed over a five-year period in order to comply with federal mandates. Funds in the amount of \$125,000 for a traffic signal at the intersection of Winscott Road and Old Benbrook Road, will be transferred from the General Fund to the Capital Improvements Fund so that this project may be completed in 2007-08. The Parks Department's 2007-08 allocation includes funds to replace the light poles at Ball Field #2, to overlay the parking lot at the Athletic Complex, and to construct a Benbrook Boulevard Entrance Monument. Funds in the amount of \$250,000 are also scheduled for transfer to the Core Values Fund to finance the Benbrook Boulevard project.

The Police Narcotics Fund, a special revenue account, will provide resources to procure an additional patrol vehicle as well as the necessary specialized equipment, to purchase twelve hand guns, to obtain a digital camera for crime scene investigations, to replace computers for dispatch services, to finance software updates and maintenance fees for the Police Department.

Mayor Dittrich opened the public hearing at 8:36 p.m.

No one from the audience spoke to the item.

Mayor Dittrich closed the public hearing at 8:36 p.m.

G-1731 Public Hearing on 2007 Property Tax Rate

Sherri Newhouse gave the following report:

Proposed 2007 Ad Valorem Tax Rates (per \$100 valuation)

General Fund	\$0.59907
Debt Service Fund	\$0.09843
Operating Fund	\$0.69750

Proposed Ad Valorem Tax Rates (per \$100 valuation) Comparison of 2006 to 2007

	2006	2007	Decrease
General Fund	\$0.615345	\$0.59907	\$0.016276
Debt Service	\$0.107154	\$0.09843	\$0.008724
Operating Funds	\$0.722500	\$0.69750	\$0.025000

Proposed Current Property Tax Revenue Comparison to 2006-07 to 2007-08

	2006-07	2007-08	Variance
General Fund	\$7,150,000	\$7,579,359	\$ 429,359
Debt Service	\$1,247,250	\$1,245,368	\$ (1,882)
Operating Fund	\$8,397,250	\$8,824,757	\$ 427,477

The 2007-08 proposed budget will raise more total property taxes than last year's budget by \$427,477 and 5.09%, and of that amount \$173,083 is tax revenue to be raised from new property added to the roll this year.

The 2007-08 proposed budget is predicated upon a \$0.025 reduction in the property tax. The proposed 2007 property tax rate is \$0.6975 per \$100 valuation. This is the third consecutive year that Benbrook has reduced property taxes. The property 2007 property tax rate is the City of Benbrook's lowest tax rate since 1991.

Mayor Dittrich opened the public hearing at 8:39 p.m.

No one from the audience spoke to the item.

Mayor Dittrich closed the public hearing at 8:40 p.m.

G-1732 Hotel/Motel Tax Allocations for FY2007-2008

David Ragsdale gave the following report: Each year, the City Council solicits applications for the use of Hotel/Motel Occupancy Tax funds. This year, staff sent out request for proposals to six organizations and received five proposals: Motel 6, Best Western, Benbrook Chamber of Commerce, VSA and Ralph Creative.com.

Motel 6 and Best Western requested money to enhance their advertising budgets. The Benbrook Chamber of Commerce requested funds for the Visitor Center and the salary of the Tourism Director. Very Special Artist (VSA) requested support for a number of art workshops and art enrichment programs. Ralph Creative.com asked for funding to produce a history of Benbrook video.

On Wednesday, September 12, City Council met for a HMOT distribution work session. City Council reached an unbinding consensus for the following funding:

<u>Organization</u>	<u>Funding</u>	<u>Purpose</u>
Motel 6	\$ 5,700	Advertising
Best Western	\$ 4,500	Advertising
VSA	\$ 3,600	Art Workshops
Visitor Center	\$47,547	Visitor Center/Tourism
Ralph Creative.com	\$ 8,675	Benbrook History Video

Motion by Mr. Stowe, seconded by Mr. Sauma to accept the distribution of Hotel/Motel Occupancy Tax funding for the 2007-2008 fiscal year as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously

G-1733 Appointment to Boards and Commissions

Joanna King gave the following report: The odd numbered positions on the City's various Boards and Commissions will expire on October 31, 2007. There is also one vacant unexpired term on the Planning and Zoning Commission. That term will expire October 31, 2008.

The City advertised a formal notice to accept applications for Boards and Commission appointments in the Benbrook News, the City's official newspaper, as well as the Fort Worth Star-Telegram. The announcement was also placed on the City Channel of Charter Communications, the City Home Page, and the quarterly Newsletter.

City Council has been provided a copy of the applications received from both current members and other citizens wishing to serve the City.

Motion by Mr. Stowe, seconded by Mr. Sauma to schedule interview for appointment to the Boards and Commissions on October 9 and 11, 2007 beginning at 6:00 p.m.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1734 Consider options for acquisition of drainage easement for 32nd Year Community Development Block Grant Project

Dave Gattis gave the following report: The 32nd Year Drainage project is to enlarge Timber Creek culvert under Childers Avenue to reduce flooding on adjacent properties. The City has obtained two of the three easement required for the project.

The remaining easement required is owned by David and Mary Farmer. Staff has been negotiating since late July, but negotiations have been unsuccessful. The City risks losing \$92,000 in federal funds for this project.

Given the unlikelihood that a voluntary purchase of the easement will be achieved, the City has two options:

1. Authorize staff to initiate condemnation of the drainage easement, if necessary, or
2. Direct staff to abandon the project and advise Tarrant County of our intent to forfeit the 32nd Year CDBG grant

Motion by Mr. Stowe, seconded by Mr. Bailey to accept staff recommendation to proceed with condemnation if necessary.

Vote on the Motion.

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

Noes: None

Motion carries unanimously.

B. CONTRACT

C-230 Award Employee Health Insurance

Sherri Newhouse gave the following report: Since October 1, 2006 the City's current Group Health Insurance Plan has been with United HealthCare. The Low Option PPO serves as a base plan. Employees may "Buy Up" to a High Option PPO.

The original increase submitted by UHC was 24%. This rate increase was based on an 118% ratio of Claims to Premiums, one claim in excess of \$200,000 and an 11% Trend Increase.

The City solicited proposals from nine other Insurance Companies. Seven companies either refused to bid or were not submitted in a timely manner. Cigna and Aetna did submit competitive proposals.

The City's Group Plan was with Aetna from October 1, 1996 through September 30, 2006. Aetna uses a similar network of doctors, facilities and hospitals as United HealthCare. Aetna's is comparable in benefits, services and costs. The Low-Option PPO rate increase is less than 2% from the current rates. Aetna offers a 80/20 co-insurance policy. The High-Option PPO provides a \$500 individual deductible and \$1,000 family deductible.

The 2007-2008 budget allocates \$747,183 for employee health insurance. The total cost for Aetna is \$597,044 or \$150,139 below budget allocations.

Staff recommends:

1. City Council approve a one-month contract with United HealthCare, effective October 1, 2007 through October 31, 2007, continuing the current plans and services.
2. City Council approve a one-year contract with Aetna, effective November 1, 2007 through October 31, 2008, offering the low-option PPO as the primary plan and offering the high-option PPO as an alternate plan
3. Require employees who enroll in the high-option PPO to pay the difference in premiums between the premium costs of the low-option and the premium cost of the high-option PPO for employee and dependents.
4. Continue co-payment reimbursement up to \$1,500 for hospitalization.
5. Reimburse up to \$750 for out-patient procedures and surgery.
6. Consider increase of dependent subsidy to offset the premium increase for employees with dependent coverage, based on the premium rates for low-option PPO.
7. Contribute \$200 to 2007 cafeteria plan accounts for employees without dependent coverage and allow all full-time employees to receive up to \$100 for eyeglasses and/or contact lenses.

Motion by Mr. Allison, seconded by Mr. Schull to approve the employee health insurance as presented by staff.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

Mr. Sam Balkum, appearing as Sour Dough Sam, reminded the audience of the Heritage Fest even on October 6, 2007 at Dutch Branch Park.

Mr. Al Griner expressed disappointment regarding the discussion on the EDC budget item.

IX. ADJOURNMENT

Meeting adjourned at 9:44 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/04/07	REFERENCE NUMBER: G-1738	SUBJECT: Adopt Ordinance amending Chapter 8.20 of the Benbrook Municipal Code by prohibiting the use of engine brake systems without an exhaust muffler sufficient to prevent the creation of excessive noise	PAGE: 1 of 1
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BACKGROUND

An engine brake, sometimes referred to as “Jake brake”, is a braking system used primarily by semi-trucks or other large vehicles. Jake brakes modify engine valve operation, using engine compression to slow the vehicle. The system converts a power-producing engine into a power-absorbing air compressor by opening exhaust valves. Compression release engine brakes that are not properly muffled make a loud chattering or machine gun noise. Jake brakes effectively slow large vehicles during emergency stops but are generally not necessary for normal driving operations.

PROPOSED ORDINANCE

The proposed ordinance designates that no person may operate an internal combustion engine powered vehicle using an engine brake or Jake brake without an exhaust muffler sufficient to prevent the creation of excessively loud noise, except during emergency operation.

If approved by City Council, City crews will install signs prohibiting the use of unmuffled engine brakes and the Police Department will begin enforcement. The materials cost will be paid from the Public Works budget.

RECOMMENDATION

Staff recommends that City Council approve the proposed ordinance prohibiting the use of an engine brake without an exhaust muffler sufficient to prevent the creation of excessive noise.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/04/07	REFERENCE NUMBER: G-1739	SUBJECT: Consider Concessionaire Agreement with Benbrook Marina (Ownership Transfer)	PAGE: 1 of 1
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BACKGROUND

Benbrook Marina is currently leased to Ms. Glenda Steen. Ms. Steen has requested permission to split her concession into separate leases (Marina and Boat Repair Shop) for assignment to new concessionaires. The attached concessionaire agreement (aka - lease agreement) is for Benbrook Marina, 301 Lakeview Drive. The proposed new concessionaire is Mr. Denzel Taylor, doing business as Benbrook Lake Marina.

PROPOSED TRANSFER

Mr. Taylor is proposing repairs and improvements to the marina, including new signs, repainting existing structures and some asphalt improvements. The transfer of the Benbrook Lake Marina concession requires approval of the Parks Board, City Council and the Army Corps of Engineers.

The proposed lease is for ten years and requires a lease payment to the City of three percent of gross revenues, or \$200 per month, whichever is greater. Staff has investigated Taylor's financial capability and business background. Staff believes Taylor is capable of successfully operating and improving the marina.

The Parks Board met and discussed this proposal on September 19 and recommends approval of the concessionaire transfer and related agreement.

RECOMMENDATION

Staff recommends approval of the Concessionaire Transfer and Agreement for Benbrook Marina to Mr. Denzel Taylor, doing business as Benbrook Lake Marina.

SUBMITTED BY: Walter Shumac III	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
Public Services Director		DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/04/07	REFERENCE NUMBER: G-1740	SUBJECT: Consider Concessionaire Agreement with Power Play Racing (Ownership Transfer)	PAGE: 1 of 1
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BACKGROUND

Benbrook Marina is currently leased to Ms. Glenda Steen. Ms. Steen has requested permission to split her concession into separate leases (marina and boat repair shop). The Boat Repair Shop is located at 302 Lakeview Drive, just south of Benbrook Marina. The proposed concessionaire (aka – lessee) is Mr. Sandom Baumgardner, operating as Power Play Racing. Power Play Racing has been in the boat repair business since 1991.

PROPOSED TRANSFER

Since 2005, Baumgardner has subleased the existing metal building at 302 Lakeview Drive from Glenda Steen. Baumgardner currently uses half of the building for boat repairs. The other half is currently used for Marina storage. If approved, Baumgardner would expand his boat repair business to make full use of the existing building.

The transfer of the concession agreement (aka – lease agreement) requires approval of the Parks Board, City Council and the Army Corps of Engineers. The proposed lease is for ten years and will require lease payments to the City of three percent of gross revenues, or \$50 per month, whichever is greater.

The Parks Board met and discussed this proposal on September 19 and recommends approval of the concessionaire transfer.

INSURANCE REQUIREMENTS

The City requires liability insurance in the amount of \$3,000,000 per occurrence. Due to cost considerations, Mr. Baumgardner has requested that this requirement be reduced to \$1,000,000 per occurrence. The Parks Board approved the reduced amount. The City Council should determine whether the reduced liability coverage is acceptable, as this action may impact other concessionaires.

RECOMMENDATION

Staff recommends approval of the Concessionaire Transfer and Agreement for the Benbrook Marina Repair Shop to Sandom Baumgardner, doing business as Power Play Racing.

SUBMITTED BY: Walter Shumac III	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
Public Services Director		DATE: