

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, MARCH 1, 2007
911 WINSOTT 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 Jack Cook with Wyatt Drive Baptist Church
PLEDGE OF ALLEGIANCE**

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

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

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

G-1686 Approve Benbrook Boulevard Master Plan

G-1687 Approve Gas Lease Under Public Works Complex

B. PURCHASE

P-254 Voting Board for City Council Chambers

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT

WORKSESSION

1. Discuss Status of Development Projects and the TIF



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 15, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, February 15, 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
Tommy Davis, Fire Chief

Others Present:

Ed Gallagher, City Planner
Walter Shumac, Director of Public Services
Robert Rowley, Engineer
Cathy Morris, Administrative Analyst
Charlotte Vander Pan
Bill Smith
Lt. Col. Bobby Payne
Daniel Tully
Bill Truex
Mr. and Mrs. Jack Shannon
Glen Martin
Pat Dunkin
and 10 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 Elder Jackie Davis with Tabernacle of Praise
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held February 1, 2007

Motion by Mr. Vander Pan, seconded by Mr. Stowe to approve the minutes of the February 1, 2007 regular meeting with one correction as noted in pre-council worksession.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. INTRODUCTION OF NEW CITY EMPLOYEES

- 1. Walter Shumac – Director of Public Services**
- 2. Robert Rowley – City Engineer**

Mr. Gattis introduced Walter Shumac, Director of Public Services and Robert Rowley, City Engineer as the newest City employees.

V. CITIZEN PRESENTATION

- 1. Bobby J. Payne, Lt. Col. USAF (Ret) – Request Permit for Marksmanship Range to be Located at Western Hills High School**

Retired Lt. Col. Bobby J. Payne addressed City Council requesting an exception from Chapter 9.20 - Weapons of the Benbrook Municipal Code. Lt. Col. Payne informed City Council that Western Hills High School JROTC Program has been selected as the only Air Force Unit in Texas to have a marksmanship program.

The Air Force is supplying the materials and equipment for the program at no cost to the students. There are approximately twenty students involved in the program.

Each student is required to complete the Civilian Marksmanship safety course and pass the safety exam with a 90% or above. A safety pledge must be completed along with parental consent to be part of the program.

Students will be trained for National Three-Position Olympic shooting using Daisy 953 MC air rifles with .177 caliber pellets. The velocity of the pellets is less than 600 feet per second. The current ten meter range is located in an old storage area in the north end of the school. The configuration complies with standard operating procedures.

Motion by Mr. Stowe, seconded by Mr. Bailey to authorize an exception to the Benbrook Municipal Code Chapter 9.20 to Western Hills High School JROTC for the issuance of a shooting range permit.

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.

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1683 Introduction of Multi-Use Vehicle – RESCUE 53

Fire Chief Tommy Davis gave the following report: In 2005, Benbrook was awarded two grants (1) the State Homeland Security Program for \$275,000 and (2) the Urban Area Security Initiative for \$110,000. The grants were combined to facilitate the purchase of a Special Operations Hazmat/Rescue Unit for hazardous material response and equipment for the apparatus. In March of 2006, the State released the grant funding.

The Special Operations Hazmat/Rescue unit is a specially designed multi-use vehicle. It carries a variety of equipment for determination and initial clean up of hazardous chemical spills and will carry a large variety of rescue equipment. It also serves as a mobile command unit and has a light tower for nighttime observation.

Last week, staff traveled to the Pierce Fire Apparatus Manufacturing Plant in Appleton, Wisconsin. Staff spent three days inspecting the new truck prior to delivery. The new apparatus is named "RESCUE 53" as Staff believes the community will feel more comfortable with the word RESCUE versus HAZMAT.

For a number of years, the City has purchased fire apparatus from Pierce Manufacturing. Staff is very pleased with both build quality and field capability. In addition, staff is very familiar with the ongoing maintenance and upkeep of Pierce Manufacturing equipment.

Rescue 53 is comprised of 13 large compartments. The compartments store a variety of equipment ranging from a Hazkit for detecting specific chemicals, gas detectors, hydrocarbon spill containment, decontamination equipment, air packs, advanced rope rescue equipment and swift water rescue equipment.

The command cab has maps to cover all areas of the City, a satellite telephone, a computer database for tracing all types of hazardous materials and a radio system

that can communicate with local, state and federal agencies. It also has tactical command capabilities for fires, mass casualty and law enforcement situations.

Rescue 53 has involved a number of fire personnel and over a year of planning. As a result, the City of Benbrook Fire Department is a leader in Hazardous Material response for Tarrant Count at no cost to the City of Benbrook.

Chief Davis presented a slide show of Rescue 53 and announced that the unit would be located in the parking lot for viewing following the City Council meeting.

G-1684 Financial Report for Month Ending January 31, 2007

Mr. Wayman gave the following report: Year-to-date General Fund revenues amounted to \$6,401,855. Revenues for the month of January totaled \$3,633,286. Year-to-date General Fund expenditures amounted to \$3,869,574. January expenditures totaled \$999,049. Through January, revenues exceed expenditures by \$2,532,281.

Benbrook Economic Development Corporation revenues were \$63,376 while expenditures were \$61,463. For the year, expenditures exceed revenues by \$152.

At January 31, 2007 investments were \$12,527,781.

Motion by Mr. Stowe, seconded by Mr. Schull to accept the financial report for the month of January 2007.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. CONTRACT

C-226 Consider Bids and Award Contract for Plantation West Creek Drainage Improvement

Mr. Gattis gave the following report: The Capital Improvements Program includes drainage improvements to Plantation West Creek beginning at a point approximately 250 linear feet from its confluence with Mary's Creek northward to a point of its intersection with Mary's Creek Drive for a total distance of approximately 2,150 linear feet. The project utilizes both rock gabions and concrete walls. The project also includes channel improvement to Willow Bend Creek from Llano Avenue southward approximately 200 feet.

Both projects greatly improve the efficiency of drainage runoff. The Plantation West Creek project protects numerous houses from flooding.

City Staff opened bids on Wednesday, January 31 for the project. Linder Construction placed the low bid of \$1,999,065. Linder Construction has performed work for the City in the past with satisfactory results. The City Engineer has reviewed the firm's references and statement of qualifications and finds nothing to warrant disqualification of their bid.

The CIP allocated \$1,849,325 for construction of this project. There is currently \$1,791,067 available in the Drainage Fund and \$80,754 available in the Street Fund that can be allocated to street repairs associated with the Plantation West Creek project, for a total of \$1,871,821. An additional \$76,702 is available from street assessments. Because of the importance of the project, Staff recommends that the remaining \$50,542 be funded from unallocated reserves.

Motion by Mr. Allison, seconded by Mr. Schull to award the contract for the construction of Plantation West Creek and Willow Bend Channel Improvements to Linder Construction, Inc. in the amount of \$1,999,065 to be paid from Account 04-3012-5219, and that sufficient fund be transferred from unallocated reserves.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN COMMENTS

Mr. Bill Truax and Mr. Jack Shannon expressed appreciation to City Council and staff for approving the Plantation West Creek Drainage Improvement Project.

X. ADJOURNMENT

Meeting adjourned at 8:25 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/01/07	REFERENCE NUMBER: G-1685	SUBJECT: Approve Settlement Agreement with Jack Bostick for Drainage Easement for Plantation East Creek Drainage Project	PAGE: 1 of 1
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The City has attempted to obtain drainage easements from 22 property owners in North Benbrook to construct the Plantation East Creek drainage project. The initial request for easements was made in November 2005, and financial offers were made in January 2006. As of February 12th, we had obtained 19 of the necessary easements through negotiations.

Jack Bostick is the owner of property at 4020 Tara Drive and the City needs approximately 4,835 square feet of permanent easement. The easement area includes several improvements including a bridge, a workshop and a greenhouse. After receiving our original offer in January 2006, Mr. Bostick made a counter offer. This counter offer was considered by the City Council on March 16th, and the City Council countered Mr. Bostick's counter offer.

Last summer, the property was appraised and a value of \$15,850 was placed on the easement. This was made as a best and final offer to Mr. Bostick in August 2006. After initially rejecting this amount, Mr. Bostick, his son and the City Attorney negotiated an agreed amount of \$20,000. The City Council approved the agreement and a check was made out to Mr. Bostick. On September 21st, Mr. Bostick informed the City Attorney that he was rejecting the \$20,000 offer and wanted \$50,000 for the easement. The City Council rejected his counter offer on October 5th.

A condemnation hearing was scheduled for February 21st, 2007. The week before, Mr. Bostick's son approached the City Attorney about a settlement agreement. The City staff authorized the postponement of the hearing and to take the proposed amount of \$24,834.50 to the City Council provided Mr. Bostick sign a Memorandum of Agreement that he would execute the easement documents upon payment. The MOA was signed by Mr. Bostick on February 20th.

RECOMMENDATION

City Staff recommends that the City Council 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.

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

**Memorandum of Agreement
Drainage Easement – Bostick Property**

Jack Bostick, referred to in this Memorandum as “Grantor”, agrees to grant to the City of Benbrook, Texas, “Grantee”, permanent drainage easement and temporary construction easement across Grantor’s property located in Tarrant County, Texas, and described more particularly in Exhibits “A” through “D” attached to the Drainage Easement which is attached to this Memorandum, in exchange for the following consideration:

- Grantee agrees to pay Grantor total compensation in the amount of \$24,834.50. Said compensation consists of \$7,543.50 for the permanent drainage easement and the temporary construction easement on Grantor’s property. The additional sum of \$17,291.00 represents the agreed upon amount of compensation to be paid to Grantor for the loss of the existing concrete channel improvements, the existing greenhouse structure, the existing barn/shed, the existing redwood fencing, and the existing brick columns and wrought iron fencing, and for the existing bridge which spans the channel. Grantor agrees and acknowledges that such improvements will be removed by Grantee and will not be replaced as part of the drainage facility construction project.
- In exchange for the above payment, Grantor agrees to execute the Drainage Easement in the form attached hereto, which contains certain negotiated special terms and conditions regarding the easement and construction of the drainage facilities.

The conveyance and grant of the drainage easement are subject to the terms and conditions stated in this Memorandum of Agreement and in the Drainage Easement attached hereto.

Dated: February 20, 2007

GRANTOR: JACK BOSTICK

Jack Bostick

GRANTEE: CITY OF BENBROOK

By: _____
Its: _____



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/01/07	REFERENCE NUMBER: G-1686	SUBJECT: Approve Benbrook Boulevard Master Plan	PAGE: 1 of 2
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As part of the City's preparations for the future expansion of Benbrook Boulevard from I-20 to Winscott Road, the City Council retained HNTB Corporation in October 2005 to prepare a Master Plan for the roadway with an emphasis on landscape and streetscape improvements and urban design issues. The Benbrook EDC agreed to fund one-half of the cost for the project. The North Central Texas Council of Governments agreed to provide technical assistance, such as traffic forecasting.

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 Commission 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 draft report was provided to staff in December, and the Staff has made extensive edits in response to review comments from the Steering Committee.

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 (which increase congestion) by using shared driveways and off-roadway cross-access, and
- Suggestions for improvements to the City's design requirements for adjacent developments, including building orientation, signage, architectural standards and parking lot locations.

The consultants developed several computerized simulations to illustrate how the roadway's appearance would improve with the recommendations. The additional cost for these improvements is estimated to be approximately \$1.9 million.

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

DATE: 03/01/07	REFERENCE NUMBER: G-1686	SUBJECT: Approve Benbrook Boulevard Master Plan	PAGE: 2 of 2
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It is important to remember that this is a plan and none of the elements in the plan, such as design features, driveway locations, or median openings, are firmly committed by the adoption of the Plan. Instead, the Plan will be used as a guide during the process of preliminary and detailed design over the coming years.

RECOMMENDATION

City Staff recommends that the City Council adopt the Benbrook Boulevard Master Plan as a guide for future planning and design efforts along Benbrook Boulevard.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/01/07	REFERENCE NUMBER: G-1687	SUBJECT: Approve Gas Lease Under Public Works Complex	PAGE: 1 of 1
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BACKGROUND

The City owns the mineral rights for the 3.83 acre public works complex. Vargas Energy (Edwards Family) controls the vast majority of the mineral rights adjoining the public works complex.

LEASE OFFER

Vargas recently contacted the City to acquire an oil and gas lease for the public works complex. Vargas offered a (1) three year lease term, (2) 25% royalty and (3) \$3,000 signing bonus.

Staff believes Vargas offered a market competitive royalty payment. However, the lease bonus and term necessitated further negotiation. As a result, Staff counter-offered with a (1) two year lease term and (2) \$3,000/acre signing bonus (\$11,490 total). Vargas has accepted the City's counter-offer. Vargas is not requesting surface rights.

It is doubtful that other gas drilling companies would have an interest in the property as Vargas controls and is pooling the adjoining areas.

LEGAL REVIEW

The City Attorney has approved the lease as to form and legality.

RECOMMENDATION

City Staff recommends that City Council approve the oil and gas lease with Vargas Energy and allocate the lease bonus and all future royalties to the Oil and Gas Fund.

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: 03/01/07	REFERENCE NUMBER: P-254	SUBJECT: Voting Board for City Council Chambers	PAGE: 1 of 1
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BACKGROUND

Since October 2001, City Council meetings have been videotaped and rebroadcast over the Government Access Channel (and later the website). To further improve the quality of broadcasts, City Council approved a Public, Educational and Governmental (PEG) Access Fee in September, 2003. PEG funds can only be used for capital improvements to the Government Access Channel (i.e., scheduling equipment, hardware and software). The fund presently contains approximately \$30,000.

VOTING BOARD

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 Council Members on action items. An inexpensive resolution to this problem is the installation of a voting board system. A voting board system allows City Council Members to vote by pressing a button. The vote is recorded and all votes are displayed simultaneously on the video (PowerPoint) 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.

RECOMMENDATION

City Staff recommends City Council approve the voting board at a cost of \$1,281 to be paid from the PEG account.

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