

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JULY 5, 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 Plyant with First Baptist Church of Benbrook
PLEDGE OF ALLEGIANCE**

MOMENT OF SILENCE HONORING LYNETTE TATE

III. MINUTES

1. Minutes of the regular meeting held June 21, 2007

IV. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2007-01	Ratify BEDC Business Entity Formation
EDC-2007-02	Ratify First Bank Loan to EDC for Purchase of N3 Development Ltd. Property

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1707	Charter Communications Franchise Fee Settlement
G-1708	Ordinance amending Chapter 10.40 of the Benbrook Municipal Code by revising no parking restrictions on Cozby North Street
G-1709	Ordinance amending Chapter 1.12 of the Benbrook Municipal Code by revising the fee schedule for ambulance service fees and Tarrant County filing and recording fees

B. CONTRACT

C-228	Authorize contract with Raymond Turco and Associates for Survey on School Issues
-------	---

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 21, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, June 21, 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
James Schull
Larry Stowe
Dan Tully

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Walter Shumac, Director of Public Services

Others Present:

Dorcas Neuman, Benbrook News
Liz Campbell, Fort Worth Star-Telegram
Ed Gallagher, City Planner
Madonna Tully
Valarie Stowe
Bill Smith
Mr. and Mrs. Ben Pennington
Kyle McClure
Pamela Brandenburg
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 Associate Pastor Kyle McClure with Restoration Family Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held May 17, 2007

Motion by Mr. Tully, seconded by Mr. Allison to approve the minutes of the regular meeting held May 17, 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 June 7, 2007

Motion by Mr. Allison, seconded by Mr. Schull to approve the minutes of the regular meeting held June 7, 2007 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

V. CITIZEN PRESENTATION

1. Ben Pennington – Discuss establishment of Dog Park

Ben and Trisha Pennington presented information to City Council regarding the establishment of a Dog Park.

Surrounding Parks

Arlington
Dallas

Grand Prairie
Denton

Fort Worth
Southlake

North Richland Hills

Materials Needed

Start Up

Chain link fence with double gate entry
Water source
Benches

Future

Lighting
Trees
Additional benches

Pooper Scooper stations
Trash cans
Irrigation System
Land
Parking

Agility equipment
Dog Park Website

Proposed Land

Over-flow parking area in Dutch Branch Park off Park Road #1. Area is seldom used and is adequate to meet needs of Dog Park.

Why go to a Dog Park?

Socialize and exercise dogs in safe environment
Provide elderly and disabled owners with accessible place to exercise their companions
Enable dogs to legally run off-lease
Close to Home

How could Dog Park help Benbrook

Brings visitors and tax dollars into City
Added incentive to live in Benbrook
Protects public health and safety

Rules

1. Dogs must be licensed and have current rabies vaccinations on their tags
2. Dogs belonging to Fort Worth residents must display city license tags issued by Animal Services
3. Dogs to remain on-leash while entering and exiting the designated area
4. Dogs must be kept on-leash until inside the double-gated entry
5. Owners are to stay within the park and within view of their dogs
6. Dogs shall be under the voice control of their owners at all times
7. Any dog exhibiting aggressive behavior must be removed immediately
8. Owners are liable for damage or injury inflicted by their dogs
9. Owners must have a visible leash at all times
10. Owners are responsible for removal and disposal of feces of their pets
11. All children must be under strict supervision and an adult must accompany those under the age of 12
12. No puppies under 4 months of age
13. Dogs in heat are not allowed
14. Park users and dog owners assume all risk related to dog park use
15. Small dog area is for animals under 40 lbs. only. Small dogs may play in the large dog area at their own risk, but is not recommended
16. Owners shall repair any damage done by their dog (i.e. holes dug by the dog)
17. The off-leash area shall maintain operational during park hours, unless otherwise posted

18. No food or drink allowed in the dog park
19. Owners waive liability to the city for any injury or damage caused to or by pets during any time while using the park.

No action taken on this item. Staff instructed to determine cost associated with facility for City Council review.

VI. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Elect representative for Tarrant Regional Transportation Coalition Executive Committee

Mr. Gattis gave the following report: The purpose of Tarrant Regional Transportation Coalition is to advocate for transportation improvements in the western half of the Metroplex. Benbrook has a seat at the monthly membership meetings.

Presently Mayor Ken Shetter (City of Burleson) serves on the Executive Board representing the cities of Benbrook, Burleson, Crowley, Edgecliff Village, Azle, Blue Mound, Lakeside, Lake Worth, Newark, Pelican Bay, River Oaks, Saginaw, Sansom Park, Westover Hills, Westworth Village, and White Settlement.

With the expiration of Mayor Shetter's term, cities are asked to determine whether to cast its vote for Mayor Shetter to serve another term or to nominate someone else.

Motion by Mr. Stowe, seconded by Mr. Schull for the City Council to vote for Mayor Shetter to serve another term on the TRTC Executive Committee.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1706 Financial report for month ending May 31, 2007

Mr. Wayman gave the following report: General Fund revenues for the month of May totaled \$601,736. Through May, total year-to-date collections were \$10,277,880 or 86% of the amount budgeted.

General Fund Expenditures for the month of May totaled \$721,228. Through May, total expenditures were \$7,295,959 or 61% of the original budget. At May 31, revenues exceeded expenditures by \$2,981,924.

The Benbrook Economic Development revenues for May were \$137,108 with most of this amount coming from Sales Tax. Expenditures were \$238,221, with most of this amount going toward the purchase of additional property. Through the end of May, expenditures exceed revenues by \$569,237.

Investments were \$13,370,935 at May 31, 2007.

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN COMMENTS

X. ADJOURNMENT

Meeting adjourned at 7:52 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/05/07	REFERENCE NUMBER: G-1707	SUBJECT: Charter Communications Franchise Fee Settlement	PAGE: 1 of 1
-------------------	-----------------------------	---	-----------------

BACKGROUND

In 2004, the City of Benbrook, working with a consortium of six other cities including Fort Worth, began the formal franchise renewal process with Charter Communications. The consortium cities' franchise agreements with Charter were to expire in the fall of 2006. The cities hoped to achieve favorable franchise terms by reducing duplication of effort and sharing the expense of franchise fees reviews, technical audits, and community needs assessments.

As part of the renewal process, the consortium cities contracted with C2 Consulting Services to conduct a franchise fee audit for the period of July 2001-June 2004.

In 2005, C2 issued an audit report to each city, finding that Charter Communications owed the City of Benbrook \$12,950 for franchise fee underpayments, based on revenue categories that were not included in Charter's franchise fee computations. Charter Communications submitted letters to each consortium city responding to the audit report. Charter disagreed with most of the audit report, but conceded that Charter did owe the City of Benbrook \$1,280 in unpaid franchise fees for the reporting period.

In 2006, the consortium cities monitored the new statewide cable franchise system legislation (SB5) and did not pursue the C2 audit findings with Charter Communications. Ultimately, Charter chose to operate under the statewide franchise agreement as established in SB5.

SETTLEMENT PROPOSAL

Charter Communications is attempting to resolve the franchise fee audit issue through a settlement proposal. Charter is again offering the City of Benbrook \$1,280 for franchise fee underpayments. Other consortium cities have agreed to the proposed settlement. Charter disputes most of the C2 audit findings based on their interpretation of the Federal Cable Act, which designates franchise fees to be paid on gross revenue derived from the operations of the cable system to provide cable services. It is unknown whether the City would prevail in litigation to collect the disputed amount. However, the cost of litigation would be prohibitive based on the potential collection of \$12,950.

RECOMMENDATION

Staff recommends that City Council accept the Charter Communications settlement proposal in the amount of \$1,280.

SUBMITTED BY: Andy Wayman	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: 07/05/07	REFERENCE NUMBER: G-1708	SUBJECT: Ordinance amending Chapter 10.40 of the Benbrook Municipal Code by revising no parking restrictions on Cozby North Street	PAGE: 1 of 1
-------------------	-----------------------------	---	-----------------

BACKGROUND

Last school year, the principal for Benbrook Elementary experienced difficulty with the drop-off and pick-up of students on Cozby North Street. Currently, the school’s drop-off/pick-up route requires vehicles to drive east on Cozby North Street, turn around in the cul-de-sac, and continue west on the north side of Cozby North to pick up students at the curb. During this time, traffic flow is disrupted by parents parking on the south side of Cozby North Street.

PROPOSED ORDINANCE AMENDMENT

The proposed amendment to Chapter 10.40.070 of the Municipal Code creates a no parking zone on the south side of Cozby North Street during school loading and unloading times.

“It is illegal to park on the south side of Cozby North Street from John Reagan Street to Duane Street between the hours of seven-thirty a.m. and eight-thirty a.m. and two-thirty p.m. and three-thirty p.m. on school days.”

City Staff has contacted the homeowners with side yards abutting Cozby North to inform them of the proposed amendment.

If approved by City Council, the City will post no parking signs during the appropriate hours and paint the curb.

RECOMMENDATION

Staff recommends that City Council adopt the proposed ordinance amending Chapter 10.40.070 of the Municipal Code creating a no parking zone on the south side of Cozby North Street during school loading and unloading times.

SUBMITTED BY: Andy Wayman	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: 07/05/07	REFERENCE NUMBER: G-1709	SUBJECT: Ordinance amending Chapter 1.12 of the Benbrook Municipal Code by revising the fee schedule for ambulance service and Tarrant County filing and recording fees	PAGE: 1 of 1
-------------------	-----------------------------	--	-----------------

BACKGROUND

It has been at least 7 years since Benbrook has adjusted its ambulance service fees. During this time, the cost to provide ambulance service has increased dramatically. As a result, Benbrook is about 50% below the Metroplex average for ambulance fees with current fees of \$375 plus supplies for resident and \$475 plus supplies for non-resident.

AMBULANCE FEE ADJUSTMENT

The proposed Ordinance adjusts ambulance fees to reflect the increased cost of service and the local municipal average.

The adjusted fees are highlighted below:

- Base ambulance charge - \$775 for a resident and \$875 for a nonresident, plus
- Actual cost to fire department for medical supplies and/or equipment, plus
- Five dollars per mile for patient transport from the point of pick-up to the point of delivery, or
- One hundred twenty-five dollars (\$125.00) for treatment on scene with no transport

Most ambulance fees are paid by an insurance company or Medicare.

COUNTY FILING EXPENSES

The other proposed minor change applies to Tarrant County filing and recording fees. The revision states that the City fee is equal to the actual charge by the Tarrant County Clerk. This fee applies to plats, deeds, easements, etc.

RECOMMENDATION

Staff recommends that City Council adopt the proposed ordinance amending Chapter 1.12 of the Municipal Code to update ambulance billing fees and county filing fees.

SUBMITTED BY: Andy Wayman	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: 07/05/07	REFERENCE NUMBER: C-228	SUBJECT: Authorize contract with Raymond Turco and Associates for Survey on School Issues	PAGE: 1 of 1
-------------------	-------------------------------	---	-----------------

At City Council's request, City Staff contacted Raymond Turco and Associates to obtain a quote to perform a statistically-significant telephone survey regarding attitudes and opinions of Benbrook residents regarding educational opportunities in Benbrook. In 1997, Mr. Turco's firm performed a City survey regarding recreation issues. The firm has also surveyed on behalf of the Benbrook Library District.

Mr. Turco estimates that a one to two page survey by telephone will yield a result with 95 percent confidence limits at a cost of about \$8,500. The cost of increasing the confidence limit to 97% is \$13,000 and is probably not cost effective. Mr. Turco will assist in the formulation of the survey instrument to achieve objectivity.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a contract with Raymond Turco and Associates in the amount up to \$9,000 to be paid from Account 01-1501-5211.

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