

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, APRIL 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 Lonnie Huett with Restoration Family Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held March 15, 2007

IV. CITIZEN PRESENTATION

1. Ken Shetter, Mayor of City of Burleson – Transportation Outlook for Region and Update on the TRTC

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Ordinance Cancelling May 12, 2007 General Election

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1691 Adopt Ordinance Amending Chapter 9 – Public Peace, Morals and Welfare of the Benbrook Municipal Code by adding Section 9.36 – Residency Restrictions for Sex Offenders

G-1692 Authorize Benbrook Boulevard Beautification Project

G-1693 Interlocal Agreement with City of Fort Worth for Asphalt Overlay on Chapin Road

B. CONTRACT

C-227 Approve Contract with Teague, Nall and Perkins for Schematic Design and Environmental Clearance for Benbrook Boulevard Widening Project

IX. OTHER MATTERS OF BUSINESS

X. INFORMAL CITIZEN COMMENTS

XI. EXECUTIVE SESSION – Pursuant to Texas Government Code

Section 551.072 – Deliberation Regarding Real Property

1. Consider Counter Offer for Drainage Easement at 4105 Springbranch Drive for Plantation East Creek Drainage Project

XII. RECONVENE FROM EXECUTIVE SESSION

Take Necessary Action from Executive Session

XIII. ADJOURNMENT



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

The regular meeting of the Benbrook City Council was held on Thursday, March 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
David Ragsdale, Comptroller

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher, City Planner
Cathy Morris, Administrative Analyst
Walter Shumac, Director of Public Services
James Mills, Police Chief
Jennifer Gabbert, Police Officer
Bill Smith
Daniel Tully
Mr. & Mrs. Harold Evetts
Robert Loritz
Betsy Price
Mark Hill
Members of Boy Scout Troup 23

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Andrew Holland with Benbrook Christian Fellowship
The Pledge of Allegiance was recited.

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 March 1, 2007

Motion by Mr. Allison, seconded by Mr. Bailey to approve the Consent Agenda 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. PROCLAMATION/AWARDS/RECOGNITION

1. Proclamation – American Red Cross Month

Mayor Dittrich presented a proclamation declaring March as American Red Cross Month to Ms. Betsy Price.

2. Proclamation – Meals on Wheels

Mayor Dittrich presented a proclamation declaring March for Meals Awareness Month in Tarrant County to Mr. Mark Hill.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2007-03 Adopt Ordinance amending Section 4-Definitions, Section 5-Districts and District Boundaries, Section 6-CF Community Facilities, Section 7-SD Suburban District, Section 8-RE Residential Estate District, Section 9-A One Family District, Section 10-B One Family District, Section 11-BR One Family Reduced District, Section 12-CR Multiple Family Restricted District, Section 13-C Multiple Family District, Section 14-D Multiple Family District, Section 15-E Commercial District, Section 16-F Commercial District, Section 17-HC Highway Corridor District, Section 18-G Commerce District, Section 19-H Industrial District, Section 20-MH Manufactured Home District, Section 20A-MU Mixed Use District, Section 21-PD Planned Development District, Section 22-Conditional Uses, Section 23-Supplementary District Regulations, Section 24-Parking and Vehicular Circulation, Section 25-Sign Regulations, Section 26-

Fence Regulations, Section 27-Landscaping and Buffer Regulations, Section 28-Non-Conforming Uses, and Section 29-Board of Adjustment of the Zoning Ordinance of the City of Benbrook, Ordinance Number 808, as amended

Dave Gattis gave the following report: Staff and the Planning and Zoning Commission try to review the Zoning Ordinance text annually for necessary and suggested revisions. The last amendments were made in August 2005.

This year's amendments include:

- Definition of Building Official
- Clarification of side yard requirements in C, CR and D districts
- Clarified height setback slope
- Clarified application of architectural standards applicability
- Clarified requirement for animated signs
- Miscellaneous editorial and grammatical revisions
- Revision of parking requirement:
 - Lowered requirement for commercial buildings (1/200 SF and 1/250 SF)
 - Added requirement for "home improvement, hardware or paint store" (1/300 SF)
- Clarified and expanded requirements for "Planned Development" zoning districts

The Planning and Zoning Commission considered the amendments in February and unanimously recommended approval.

Mayor Dittrich opened the public hearing at 7:50 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:50 p.m.

Motion by Mr. Stowe, seconded by Mr. Vander Pan to adopt ordinance No. 1230 amending the zoning text of the Zoning Regulations.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1230 being "AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY AMENDING SECTION 4-DEFINITIONS, SECTION 12-"CR" MULTIPLE FAMILY RESTRICTED DISTRICT, SECTION 13-"C" MULTIPLE FAMILY DISTRICT, SECTION 14-"D" MULTIPLE FAMILY DISTRICT, SECTION 20A-"MU" MIXED USE DISTRICT, SECTION 21-"PD" PLANNED

DEVELOPMENT DISTRICT, SECTION 23-SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 24-PARKING AND VEHICULAR CIRCULATION STANDARDS, SECTION 25-SIGN REGULATIONS, SECTION 26-FENCE REGULATIONS, AND SECTION 27-LANDSCAPE AND BUFFER REQUIREMENTS; 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 14

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the 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 18

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

PZ-2007-04 Adopt Ordinance amending the Subdivision Ordinance of the City of Benbrook, Ordinance Number 1122, as amended

Dave Gattis gave the following report: Staff and the Planning and Zoning Commission try to review the Subdivision Ordinance text annually for necessary and suggested revisions. The last amendments were made in February 2006.

All of the proposed amendments are editorial or grammatical revisions, with no substantive changes in requirements.

The Planning and Zoning Commission considered this item at their February meeting and unanimously recommends it adoption.

Mayor Dittrich opened the public hearing at 7:53 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:54 p.m.

Motion by Mr. Sauma, seconded by Mr. Schull to adopt Ordinance Number 1231 amending the Subdivisions Regulations.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1231 being **“AN ORDINANCE AMENDING TITLE 16 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 16.04-GENERAL PROVISIONS AND POLICIES, CHAPTER 16.08-DEFINITIONS, CHAPTER 16.12-ADMINISTRATION, CHAPTER 16.16-PLAT PROCEDURES, AND CHAPTER 16.28-DESIGN STANDARDS AND REQUIREMENTS; PROVIDING FOR VIOLATIONS, PENALTIES AND INJUNCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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 6
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 13
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1688 Financial Report for Month Ending February 28, 2007

David Ragsdale gave the following report: Year-to-date General Fund revenues amounted to \$7,977,681. Revenues for the month of February totaled \$1,575,929. To date, total collections exceed the prior year.

Year-to-date expenditures amounted to \$4,694,999. February expenditures totaled \$778,049. At February 28, revenues exceeded expenditures by \$3,282,682.

EDC revenues were \$9,757 while expenditures were \$289,665, with most of this going for the purchase of land and excavation work.

Investments were \$13,421,159 at February 28, 2007. This entire amount is available immediately if needed.

Motion by Mr. Vander Pan, seconded by Mr. Schull to approve the financial report as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1689 Comprehensive Annual Financial Report for Fiscal Year 2005-2006

David Ragsdale gave the following report: The Financial Department prepared the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2007 which has been reviewed and approved by Weaver and Tidwell, L.L.P.

The financial highlights include:

- The General Fund had a positive year end balance of \$708,054, increasing total unrestricted General Fund reserves to \$5,268,507. The City's Department Heads contributed to the increased ending balance by returning \$417,072 of their budgets.
- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by \$46,580,027.
- The leasing of City property produced a \$1,207,260 gas lease bonus payment.
- The City's total capital assets increased by \$2,796,253 to \$53,201,994.
- At the close of the fiscal year, the City's governmental funds reported combined ending balances of \$11,205,958.
- Long-term debt decreased even though a new long-term note of \$540,000 was issued by the EDC.

GASB 34 was enacted to provide a more comprehensive evaluation of a municipality's long term financial position. In prior years, cities only looked at Deposits & Investments. The new reporting format requires the City to list Capital Assets and then depreciate them. Capital Assets total \$95.7 million, but more than \$42.5 million of those assets have been fully depreciated.

Motion by Mr. Stowe, seconded by Mr. Allison to accept the CAFR for the fiscal year ended September 30, 2006 and authorize the staff to make payment of \$22,500 to Weaver and Tidwell, L.L.P. from account 01-2101-5216.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1690 Resolution Renewing TXU Standing Committee and Resolution Renewing Atmos Gas Standing Committee

David Ragsdale gave the following report: In 2004, 20 cities exercised original ratemaking jurisdiction over TXU Electric Deliver Company and passed resolutions compelling the Company to file cost of service data to show why rates should not be reduced. The efforts of the 20 cities were coordinated through an Electric Consortium Steering Committee. After several months of discussion, an agreement was reached to (1) delay the rate increase. (2) obligate TXU to work with the cities on other items of concern, and (3) compel TXU to make an annual cash payment of \$8,000,000 to the ECSA to disperse to member cities.

Last year, TXU and ECSC agreed to extend the benefits negotiated in 2004. TXU will make additional payments of \$18,000,000 over two years for disbursement to the member cities. To date, Benbrook has received about \$171,000, with another check for \$36,000 due this spring.

Several years ago, 30 cities formed the Gas Cities Steering Committee in response to a gas rate filing by Lone Star Gas. Over the past seven years, Atmos Gas (and its predecessors) has filed annual rate increases. The GCSC has the authority to act for member cities. Since its creation, the GCSC has prevented or reduced several gas rate increases, saving the citizens of GCSC member cities more than \$175 million.

The work of these committees is financed through contributions from the member cities. These contributions pay for attorney fees and consultant costs required to fight rate increase request. To date, the City has received over \$171,000 from the various TXU settlements and has had gas rate increases blocked or reduced. Membership is based on ten cents per capita and Benbrook's cost is \$2,164.60 for each Committee.

Motion by Mr. Schull, seconded by Mr. Stowe to adopt Resolution No. 2007-03 renewing TXU Standing Committee and Resolution No. 2007-04 renewing Atmos Gas Standing Committee.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

Invitation to Citizens Police Academy

Officer Jennifer Gabbert announced that the Citizen Police Academy will begin on April 3, 2007. This is a three hour class, meeting once a week for ten weeks. Members receive training in several police topics as well as other aspects of municipal government.

IX. INFORMAL CITIZEN COMMENTS

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: 04/05/07	REFERENCE NUMBER: G-1691	SUBJECT: Adopt Ordinance Amending Chapter 9 – Public Peace, Morals and Welfare of the Benbrook Municipal Code by adding Section 9.36 – Residency Restrictions for Sex Offenders	PAGE: 1 of 2
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BACKGROUND

The State of Texas and the Tarrant County Sheriffs Office have primary jurisdiction over registered sex offenders in Benbrook. This includes terms and conditions of probation, parole, monitoring, and registration. The State has established numerous categories of sex offenders depending on age of victim, severity of offense, number of offenses, etc.

Although Benbrook’s statutory authority is limited, the Texas Attorney General has ruled that municipalities may prohibit registered sex offenders of minors from residing within prescribed distance of a place frequented by children.

PROPOSED ORDINANCE

The proposed ordinance prohibits registered sex offenders of minors from establishing permanent or temporary residence within 2,000 feet of facilities frequented by children to include:

1. A public park
2. A library
3. A public or private school, except trade or business schools, colleges or universities
4. A public or semi-public swimming pool
5. A licensed day care center
6. A studio or facility for instruction in the arts or sports where classes are taught to four (4) or more children at a time
7. A church
8. A video arcade facility
9. A public or non-profit recreation facility

As defined by State Law, *minors* are anyone under seventeen (17) years of age. *Permanent residence* is defined as a place where a person lives for fourteen (14) or more consecutive days. *A temporary residence* is a place where a person lives a total of fourteen (14) or more days in a year or four (4) or more days in any month. The Benbrook Police Department will have primary jurisdiction over enforcement. The City will also maintain a map of restricted areas.

Plano, Farmers Branch, Cleburne, Arlington, Argyle, Mesquite, Coppell, Bridge City, Carrollton, Cockrell Hill, and Prosper have all enacted similar ordinances.

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

DATE: 04/05/07	REFERENCE NUMBER: G-1691	SUBJECT: Adopt Ordinance Amending Chapter 9 – Public Peace, Morals and Welfare of the Benbrook Municipal Code by adding Section 9.36 – Residency Restrictions for Sex Offenders	PAGE: 2 of 2
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RECOMMENDATION

Staff recommends that City Council adopt the ordinance establishing residency requirements for registered sex offenders of minors



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 04/05/07	REFERENCE NUMBER: G-1692	SUBJECT: Authorize Benbrook Boulevard Beautification Project	PAGE: 1 of 1
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BACKGROUND

The City and EDC have worked diligently to improve the appearance of Benbrook’s primary entrance corridors. Improvements to the City’s south entrance via Benbrook Boulevard include rehabbing the Benbrook Lake sign, landscape improvements along Dutch Branch Park, and painting and repairing the Westpark Wall. Other improvements include Benbrook monument signs on east and westbound I-20 and the new sign under construction on RM 2871. In total, the projects have added to the City’s branding efforts and made Benbrook more attractive.

PROPOSED PROJECT

The EDC Board recently approved funding of a beautification project on Benbrook Boulevard. The proposed project replaces the existing wood rail fence fronting the Benbrook Stables from Park Road 1 to FM 2871 with a painted black steel pipe fence transitioned with rock columns. The project also includes two Benbrook monument signs. The monument signs are located at the fence ends (Park Road 1 and RM 2871). Vehicles waiting for the light at RM 2871 will have a clear view of the south monument sign. The monuments signs will match the current monuments signs on I-20 and RM 2871.

The project will be constructed and maintained by City personnel. The EDC is funding the materials cost for an amount not to exceed of \$23,000.

RECOMMENDATION

Staff recommends that City Council authorize the construction of monument signs and a new fence along Benbrook Boulevard from Park Road 1 to RM 2871.

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: 04/05/07	REFERENCE NUMBER: G-1693	SUBJECT: Interlocal Agreement with City of Fort Worth for Asphalt Overlay on Chapin Road	PAGE: 1 of 1
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As part of discussions with Fort Worth for adjusting the city limits boundary between Benbrook and Fort Worth, both parties agreed to jointly share in the cost of installing a 2-inch asphalt overlay over the portion of Chapin Road extending from Western Hills High School to Van Deman Drive (Renzel Boulevard). Benbrook agreed to take the entire portion of the street into its city limits and assume maintenance responsibilities. Fort Worth is participating because it is a boundary street, many of the residents use the street, and they also have a number of water and sewer lines under the street. Fort Worth also participated in 1991 in a similar overlay project on Chapin Road.

The asphalt overlay will be done as part of the annual Tarrant County overlay program. Tarrant County provides the labor and equipment, while Benbrook pays for the materials. The estimated cost of materials for this portion of Chapin Road is \$76,290. Under the Interlocal Agreement with Fort Worth, Fort Worth will reimburse Benbrook for 50 percent of the cost of materials, up to a maximum of \$40,000.

RECOMMENDATION

Staff recommends that City Council approve the Interlocal Agreement for Fort Worth for the asphalt overlay of Chapin Road.

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: 04/05/07	REFERENCE NUMBER: C-227	SUBJECT: Approve Contract with Teague, Nall and Perkins for Schematic Design and Environmental Clearance for Benbrook Boulevard Widening Project	PAGE: 1 of 1
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The next phase of the Benbrook Boulevard project is to develop the schematic design and environmental clearance to meet Texas Department of Transportation (TxDOT) requirements. After reviewing a draft scope of work and fees, the staff has asked Teague Nall and Perkins (TNP) to prepare a contract for consideration by the City Council.

Teague Nall and Perkins is the City's engineer and also prepared the schematic design for the I-20 ramp relocation and Texas turn-around project. TNP plans to use HNTB as a sub-consultant to assist in traffic analysis and environmental studies. HNTB was the consultant for the Benbrook Boulevard Master Plan.

The schematic design and environmental clearance is the first of a three-step process. Once the schematics and environmental documents are approved by TxDOT and the Federal Highway Administration, the second step is to prepare plans, specifications and estimates (PS&E) which are the actual construction documents. The final step is to acquire any additional right-of-way and to construct the project. The authorization tonight is only for the first step.

FINANCING

The fee for the proposed schematic design contract is \$250,478.60. The former City Manager reduced the budgeted amount for this project in the 2006-07 budget from \$252,000 to \$100,000, with the intent of including the remainder in the 2007-08 budget cycle. The consultant is aware of this funding limitation. Delaying the start of schematic design until next budget year will result in a delay in starting construction in 2010.

RECOMMENDATION

Staff recommends that City Council authorize the contract with Teague Nall and Perkins for schematic design and environmental clearance for the Benbrook Boulevard widening project to be paid from Account 01-5101-5211 during the 2006-07 and 2007-08 budget years.

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