

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 4, 2010
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.

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

I. CALL TO ORDER

**II. INVOCATION – Pastor Don King with Ridge Community Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held January 21, 2010

IV. CITIZEN PRESENTATION

1. Barbara Petroski – Extreme tree pruning performed by Oncor

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2010-01 Accept resignation from Benbrook Economic Development Corporation Board Member Sandy Davis and determine procedure to fill vacancy

CC-2010-02 Adopt Resolution - Appointment of Municipal Court Judge

CC-2010-03 Adopt Resolution ordering May 8, 2010 General Election and approving a Joint Election Agreement between Tarrant County and the City of Benbrook

Adoptar Resolución que pide la Elección General del 8 de mayo de 2010 y aprueba una Elección General Conjunta entre el Condado de Tarrant y la ciudad de Benbrook.

CC-2010-04 Consider appointments to Naval Air Station Fort Worth Joint Reserve Base Regional Coordinating Council

CC-2010-05 Adopt Resolutions granting approval to the Tarrant County Housing Finance Corporation for the use of proceeds of its Series 2009, Series 2010 and Series 2011 Single Family Mortgage Revenue Bonds to finance home mortgages for single family homes located in Benbrook

CC-2010-06 Councilmember Jim Wilson – Consider video taping for rebroadcast of all City Board and Commission meetings

VI. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2010-01 Quarterly Financial Report for quarter ending December 31, 2009

VII. REPORTS OF CITY MANAGER

- G-1895 Interlocal Agreement with Tarrant County and Tarrant Regional Water District for the construction of a Hike and Bike Trail along Winscott Road
- G-1896 Determine funding for Trinity Estates and Trinity Gardens FEMA map revision or amendment

VIII. INFORMAL CITIZEN COMMENTS – State Law prohibits any deliberation of or decisions regarding items presented in informal 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. ADJOURNMENT

WORKSESSION

- 1. Discuss Benbrook History Project



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
TUESDAY JANUARY 21, 2010**

The regular meeting of the Benbrook City Council was held on Tuesday, January 21, 2010 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Charlie Anderson
Keith Bailey
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Donna Savage, Assistant to City Secretary
Dave Gattis, Deputy City Manager
Cathy Morris, Public Involvement Director
Chris Bobbitt, Intern

Others Present:

Ed Gallagher, Planner
Bob Rowley, City Engineer
Walter Shumac, Public Services Director
Dan Tully
Jess Jordan
Bill Smith
Karen Barber
Tammi Cauthen
Larry Stowe

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Rickie Allison
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held January 21, 2010

Motion by Mr. Allison, seconded by Mr. Anderson to approve the minutes of the regular meeting held January 7, 2010 as presented.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Bailey, Mr. Wilson.

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2010-01 Present Quarterly Financial Report for quarter ending December 31, 2009

This item has been rescheduled to a future meeting.

V. REPORTS FROM CITY STAFF MEMBERS

1. Chris Bobbitt- Report on Vernon Castle Monument Restoration

Chris Bobbitt gave the following report: The Vernon Castle Monument restoration project began in the summer of 2009, due to the diminishing state of the monument. The monuments exterior surfaces were deteriorating, the three aluminum plaques were beginning to rust, and the Plexiglas protective covers were staining due to sun exposure.

Most of the concrete was showing signs of wear and discoloration, with one side of the monument requiring new plaster. To keep restoration costs low, Gary Hoyt of McCully Engraving was able to salvage the existing plaques by cleaning and engraving them on the reverse side. He was also able to use new laser technology to capture images of Vernon Castle and his airplane.

John Schramm, Bill Sivers, and Dennis McPeak of Fleet Services and Chris Obregone and Ronnie Baker of the Parks Department utilized their creative talents to clean, repair, paint and restore the monument, apply detailed paint techniques to the model airplane at the top of the monument, and refresh the landscape surrounding the monument.

A special 'Thank You' goes out to all of those City Employees who gave of their time, talent and dedication to restore the Vernon Castle Monument.

2. Cathy Morris- Report on Code Compliance

Cathy Morris gave the following report: The Code Compliance Department will continue to focus efforts to meet and exceed the City's newly-adopted strategic plan objectives for the department. As part of that plan, the department is charged with reducing code violations within the City by 10% or better annually. The new code compliance software will assist in compiling statistical data to measure objective attainment. However, Staff recognizes that this data may not accurately measure success. Given enhanced public education/awareness efforts to encourage citizen reporting and the use of the new tracking software, reported code violations could initially increase.

Department efforts for 2010 include streamlining processes, seeking innovative ways to educate, inform, and partner with citizens to resolve code issues fairly and reasonably, and to continue to balance available community resources to help those in need through the compassion program, with more aggressive abatement measures to address persistent, non-compliant violators.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1893 Accept financial report for the month of December 2009

Andy Wayman gave the following report: General Fund revenue for the month of December totaled \$4,056,132. Almost all collections (\$3,818,778) came from Property Taxes. The only other significant revenue came from Sales Taxes (\$106,834). Year-to-date collections are \$5,343,190 and are \$740,994 over last year's collections to date of \$4,602,196.

Sales tax collections are down approximately 6% from the adopted budget. If this trend continues, sales tax revenue would decrease by approximately \$100,000 for the fiscal year. A projected increase in building permit fees and Benbrook's historic spending controls should more than account for this potential revenue loss. Although Staff is not overly concerned, we will continue to closely monitor sales tax receipts.

General Fund expenditures totaled \$1,006,189. At December 31, revenues exceeded expenditures by \$1,895,859.

Debt Service revenues were \$161,487 through the end of December. No debt payments have been made.

Capital Projects revenues have been \$422,409, with \$79,934 coming from a mineral lease, \$100,000 from the Chesapeake annual donation and the balance coming from Storm Water Fees. Expenditures were \$209,946.

Investments were \$16,679,946 at December 31, 2009. This entire amount is available immediately if needed.

Motion by Mr. Sauma, seconded by Mr. Anderson to accept the financial report for the month of December 2009.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Bailey, Mr. Wilson.

Noes: None

Motion carries unanimously.

G-1894 Establish priorities for small drainage projects using Storm Water Utility Program

Dave Gattis gave the following report: The Benbrook City Council established the Storm Water Utility system in September, 2007. While the majority of the funds are used to retire debt related to drainage projects, the City Council budgets approximately \$100,000 annually for the construction of small drainage projects. A portion of this year's budget has been used to cover unexpected costs on the Plantation East Creek project and for some small engineering projects, but there is still approximately \$50,000 available for small projects in this fiscal year's budget.

The staff originally planned to construct bank stabilization improvements along Timber Creek near the 1800 block of Timberline Drive during this fiscal year, but the scope and complexity of the project has resulted in an estimated cost of nearly \$800,000 by a consulting engineering firm (Kimley-Horn), with part of the cost related to permitting the project through the U.S. Army Corps of Engineers. Staff is evaluating other options that could reduce the expense to as little as \$250,000; however, the staff has not reached a level of confidence to reduce the project estimate from that initially established by the consulting engineers. Staff is also evaluating an interim, in-house solution that may help reduce the erosion the issue. The property owner that is most affected is offering to assist the City with permitting from the U. S. Army Corps of Engineers for the interim option.

The staff receives occasional telephone calls from citizens regarding drainage concerns during heavy rains that may be corrected by the small drainage project program using the storm water utility. From these calls, and subsequent investigations by staff, the staff has compiled a list of potential projects.

There are several small drainage projects that could alleviate drainage problems for some Benbrook residents. Projects that cost more than \$100,000 will require a multi-year commitment of funds. The following projects are listed by cost per property protected:

Fiscal Year	Project	Cost
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2009-2010	Briar Run	\$50,000
2010-2011	Edge Hill	\$84,000
2011-2012	Tara Culvert repairs	Unknown
2012-2013	Bryant Street	\$93,000
2013-2019	Dry Branch	\$660,000

Motion by Mr. Anderson seconded by Mr. Washburn to accept the recommendation from Staff in establishing priorities and schedule of projects using the Storm Water Utility Program.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Washburn, Mr. Bailey, Mr. Wilson.

Noes: Mr. Sauma

Motion carries 6-1

VII. INFORMAL CITIZEN COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 8:11 P.M. followed by a worksession to discuss Core Value Statement.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

911 Winscott Road • P.O.Box 26569 • Benbrook, Texas 76126-0569 • (817) 249-3000 • Fax 249-0884

Memo To: Mayor and Members of City Council

From: Andy Wayman, City Manager

Subject: Vacancy on Benbrook Economic Development Corporation Board of Directors

Date: February 4, 2010

On January 25, 2010, the Executive Director of the Benbrook Economic Development Corporation received a letter of resignation from BEDC Board Member Sandy Davis.

Mr. Davis' term expires in November 2010 (leaving nine months remaining).

Staff recommends that either:

1. City Council consider citizens from the previous list of Board and Commission applicants interviewed in October, 2009, or
2. City Council authorize the City Secretary to advertise and take applications from interested citizens. Advertisements would begin February 5, 2010 with a deadline date of February 19, 2010. Following application deadline, staff would schedule interviews for Tuesday February 23, 2010 beginning at 6:00 p.m.



City of Benbrook

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Memo To: Mayor and Members of City Council
From: Andy Wayman, City Manager
Subject: Appointment of Municipal Court Judge
Date: February 4, 2010

Article IX, Section 9.03 of the Benbrook Home Rule Charter requires City Council to appoint the municipal court judge to serve a two-year term.

Alan Bowling has served as the Judge of the Municipal Court since 2005. Judge Bowling served as the Associate Judge prior to appointment. He continues to demonstrate high standards of judicial excellence in both knowledge and practice.

Staff recommends that City Council adopt the proposed resolution reappointing Alan Bowling as the Judge of the Benbrook Municipal Court for a two year term.



City of Benbrook

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TO: Mayor Jerry Dittrich and Members of the Benbrook City Council

FROM: Joanna King, City Secretary

SUBJECT: Order May 8, 2010 General Election and Approve Joint Election Agreement

DATE: February 4, 2010

The general election for Members of the Council in Places 2, 4, and 6 is scheduled for Saturday May 8, 2010. Due to the limited availability of election equipment Tarrant County has again requested that all political subdivisions located in Tarrant County enter into a Joint Election Agreement.

The advantages of joining Tarrant County in the May 8 election include:

- While contracting with numerous entities, Tarrant County provides additional early voting polling places within the County. Benbrook residents would be able to vote early at any of these locations and not be restricted to voting only in the Benbrook location. An amendment to the Resolution will be presented to City Council at a later date to include the early voting sites added due to joint election agreements with other political subdivisions.
- Tarrant County will provide all necessary voting equipment, obtain all polling places, obtain and train all election officials, and obtain necessary Justice Department Submissions. In providing the equipment, the necessity of leasing the equipment from another vendor or making an outright purchase would be eliminated resulting in significant savings.

The 2010 joint election agreement and contract between Tarrant County and the City of Benbrook will be forthcoming and the costs assessed to Benbrook will be in accordance to the total number of political subdivisions contracting with Tarrant County. Because the City of Benbrook already contracts with the Benbrook Library District and the Benbrook Water Authority, our cost will be divided among these three entities holding an election.

Staff recommends that City Council adopt the Resolution ordering the General Election for May 8, 2010 and authorize the City Manager to execute a joint election agreement with Tarrant County.



Naval Air Station Joint Reserve Base (NAS JRB) Regional Coordination Committee

TO: County Judge and Mayors in the NAS JRB
Regional Coordination Committee
Jurisdictions

January 14, 2010

FROM: Paul Paine, Chair
Regional Coordination Committee

SUBJECT: NAS JRB Regional Coordination Committee Membership Review

Voting Entities

City of Benbrook

City of Fort Worth

City of Lake Worth

City of River Oaks

City of Westworth Village

City of White Settlement

Tarrant County

The Naval Air Station Joint Reserve Base (NAS JRB) Regional Coordination Committee (RCC) was formed in March 2008 as a result of the Joint Land Use Study surrounding NAS Fort Worth JRB. The Committee is charged with overseeing the implementation of land use and community outreach efforts that will encourage the continued military training missions in Tarrant County. A list of recent Committee accomplishments is enclosed.

According to Committee bylaws, officer elections will be held in April 2010. In advance of these elections, I am asking that each city and the County review the enclosed roster and attendance report to confirm that your jurisdiction's membership is current and accurate. This review is designed to provide you with the opportunity to change your representation on the Committee and to ensure that your jurisdiction is being represented appropriately.

Non Voting Entities

DOD Office of Economic
Adjustment

Naval Air Station
Joint Reserve Base

Benbrook Area Chamber of
Commerce

Fort Worth Chamber
of Commerce

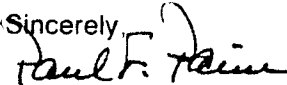
Lockheed Martin

North Central Texas
Council of Governments

Each city and the County is allotted two voting seats on the Committee. Voting members may be appointed through an action of your City Council or Commissioners' Court and may include (but are not limited to): an elected official, an appointed member of another local government board, or a citizen representative of your jurisdiction.

If you wish to change your current voting members, please contact Tamara Cook at the North Central Texas Council of Governments at (817) 608-2395 or tcook@nctcog.org. If you do not wish to modify your jurisdiction's representation, no action is required at this time.

Thank you for your continued support of this important regional initiative. If you have any questions about the RCC's efforts or if you would like to schedule a time for me to brief your city council or commissioners court, please feel free to contact me at (817) 923-1649 or paul@fortworthsouth.org.

Sincerely,


Paul Paine

TC:lk
Enclosures

cc: NAS JRB Regional Coordination Committee

www.nctcog.org/rcc



City of Benbrook

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Memo To: Mayor and Members of City Council
From: Andy Wayman, City Manager
Subject: Tarrant County Housing Finance Corporation
Date: February 4, 2010

The Tarrant County Housing Finance Corporation (the “Corporation”) has recently issued single family mortgage revenue bonds. The program offers individuals and families who have not purchased a home within the last three years to access a 5.05% interest rate with 3% cash assistance at closing to offset down payment and/or closing costs.

State Law and the Attorney General require that cities within Tarrant County with a population greater than 20,000 pass a resolution, as we have done in the past, to allow qualifying residents of the City to participate in the program. In order to meet the submission deadlines, First Southwest Company, the City’s Investment Firm, is requesting that we adopt the resolutions.

The adoption of these resolutions does not have any financial impact on the City’s revenue or obligations.

Andy Wayman

From: Place 5
Sent: Tuesday, January 26, 2010 4:53 PM
To: Andy Wayman
Subject: Agenda Item request for 2/4/2010 Council Meeting

Mr. Wayman,

I would like to request the following agenda item for the upcoming February 4th, 2010 Benbrook City Council meeting:

Whereas the Benbrook City Council, the Planning & Zoning Commission, and the Benbrook Economic Development Corporation (BEDC) are each video recorded for re-broadcast on local cable access channel and through an internet web site link,

I request council consideration of video recording all regularly scheduled City of Benbrook Boards and Commissions. I would request consideration that these meetings be video recorded and re-broadcast in a similar manner to the current process utilized by the Benbrook City Council and the Benbrook Planning & Zoning Commission.

I believe this will benefit our citizens through increased public access and greater consistency between our city's boards and commissions.

NOTE: BEDC Board approved video recording during 25 January 2010 board meeting.

Thank you,
Jim Wilson
Place 5, Benbrook City Council
place5@cityofbenbrook.com



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/04/10	REFERENCE NUMBER: G-1895	SUBJECT: Approve Interlocal Agreement with Tarrant County and Tarrant Regional Water District for the Construction of a Hike and Bike Trail Along Winscott Road	PAGE: 1 of 2
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BACKGROUND

Fort Worth’s Streams and Valleys Committee is a nonprofit organization that promotes park development including hike and bike trails. Last year, Streams and Valleys partnered with the City of Fort Worth to extend the Clear Fork Hike and Bike Trail through Pecan Valley Park ending at the intersection of Lakeside Drive and Winscott Road.

Since then, the Streams and Valleys Committee has coordinated meetings with Tarrant County, the Tarrant Regional Water District (TRWD) and the City to extend the trail further to the west. The proposed asphalt trail is 10-foot wide and extends on the south side of Winscott Road from Lakeside Drive to Beach Road and on the north side from Lakeside Drive to Sproles Drive.

The proposed trail will accomplish two goals: 1) provide trail access to Lake Shore Drive (previously known as Park Road 3), and 2) provide trail access to residents of the Benbrook Lakeside and Hilltop Heights additions (South Benbrook). The long term plan is to extend the trail further west to Benbrook Boulevard (U.S. 377) so that residents of the Westpark Addition may easily access the trail.

PROPOSED AGREEMENT

Under the proposed agreement:

1. Tarrant County will the furnish labor and equipment to construct the trail.
2. TRWD will pay the County for all materials costs (approximately \$65,867) associated with the asphalt trail. TRWD will also plant trees and install a drip irrigation system to water the trees.
3. The City of Fort Worth will donate trees for planting along the trail.
4. The City of Benbrook will be responsible for constructing concrete handicap ramps, signage, roadway crossings and backfilling along the trails edges. The City will also provide a water tap and a meter at or near Sproles Road to provide water for the irrigation of trees.

Although funds for construction of this project are not budgeted, the City’s cost is expected to be approximately \$10,000, which can be paid from the Street Department’s existing budget. The project is tentatively scheduled to begin in early March. The City will be responsible for future maintenance of the trail, including the cost of irrigation water.

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

DATE: 02/04/10	REFERENCE NUMBER: G-1895	SUBJECT: Approve Interlocal Agreement with Tarrant County and Tarrant Regional Water District for the Construction of a Hike and Bike Trail Along Winscott Road	PAGE: 2 of 2
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RECOMMENDATION

Staff recommends that City Council approve the Interlocal Agreement with Tarrant County and TRWD for the construction of a hike and bike trail along Winscott Road.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/04/10	REFERENCE NUMBER: G-1896	SUBJECT: Determine funding for Trinity Estates and Trinity Gardens FEMA map revision or amendment	PAGE: 1 of 2
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Since 1979, the City has participated in the National Flood Insurance Program (NFIP), which allows Benbrook property owners to purchase flood insurance for properties located in the 100-year floodplain. The 100-year floodplain is determined by the Flood Insurance Study (FIS) of rivers and creeks prepared by the Federal Emergency Management Agency (FEMA) and the areas affected by the 100-year floodplain are mapped by FEMA on a Flood Insurance Rate Map (FIRM).

Over time, FEMA has revised the FIS as more detailed information on rivers and creeks became available and development and improvements occurred. The FIS revisions are reflected on revised FIRMs. In addition to FIRM revisions resulting from FIS revisions, some FIRM revisions are the result of more accurate topographical information and other land features information as well as general improvements in mapping techniques currently available. Since the initial FIRM for Benbrook was published in 1979, five revised FIRMs have been published.

FIRMs are used in determining flood insurance requirements and determining flood insurance rates as well as the general administration of floodplain regulations. FIRMs originally used topography from the U. S. Geological Survey topographic maps and are presented at a one inch to one thousand foot horizontal scale. Each FIRM revision has provided a more accurate configuration of floodplain areas, including more recent aerial topography.

As accurate as FIRMs have become, each edition may contain minor inaccuracies. In some cases, a property may be incorrectly shown in the 100-year floodplain and in other cases; a property that is actually in the 100-year floodplain may not be shown in the affected area on the FIRM. Those inaccuracies can only be resolved by on-the-ground surveys of structures and ground elevations. This is typically done (and paid for) by the affected property owner with a Letter Of Map Amendment (LOMA) or Letter Of Map Amendment based on fill (LOMA-F) application to FEMA supported by an Elevation Certificate prepared by a Registered Professional Surveyor. In past years, the Staff has provided guidance to numerous property owners with LOMA or LOMA-F applications. For map revisions that include more than one property, the typical approach is to request a Letter of Map Revision (LOMR).

It appears that the most recent FIRM revision (September 25, 2009) incorrectly includes approximately 12 houses within Trinity Estates and Trinity Gardens (in the same general area) in the 100-year floodplain. It is the Staff's opinion that with a LOMR, or individual LOMA or LOMA-F applications supported by elevation certificates, FEMA will approve the removal of the affected houses from the 100-year floodplain. An unknown number of structures may also be affected throughout the City.

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

DATE: 02/04/10	REFERENCE NUMBER: G-1896	SUBJECT: Determine funding for Trinity Estates and Trinity Gardens FEMA map revision or amendment	PAGE: 2 of 2
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Currently surveyor's fees for preparing an elevation certificate are typically in the \$350 to \$450 range. FEMA application fees are \$895 for a LOMR application, \$425 for an individual LOMA-F application and no charge for an individual LOMA application.

In the past, the responsibility for paying costs for correcting FEMA mapping errors has been left to individual property owners. The City has only paid for map revisions related to drainage projects that it constructs. In this situation, Staff has identified an apparent error that affects multiple properties in the same general area. City intervention will certainly assist the property owners financially while leveraging the Staff's flood plain expertise. In addition, 12 homes can be removed from the floodplain at a low cost and preclude the homeowners from purchasing flood insurance. However, City financial participation also constitutes a change in City policy, and may have ramifications moving forward.

The estimated cost for the City to intervene on behalf of the 12 homeowners to correct the FEMA maps is approximately \$6,300, including the elevation certificates.

The cost for each homeowner to file an individual LOMA is approximately is \$875 for each property (\$10,500 total), including the elevation certificates.

RECOMMENDATION

The City Council should determine whether to spend City funds for the Trinity Estates and Trinity Gardens map revision or amendment process, and if so, to authorize that expense from unappropriated reserves. The Staff will also need guidance on the City's policy for future requests.