

**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 17, 2005**

The regular meeting of the Benbrook City Council was held on Thursday, February 17, 2005 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Felix Hebert
Jerry Dittrich
Ron Sauma
Keith Bailey
Rickie Allison
John Vander Pan

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
Dave Gattis, Assistant City Manager
Andy Wayman, Assistant City Manager
Shawna Cortez, Assistant to City Manager

Others Present:

Ed Gallagher, City Planner
Maggie Hebert
Dorcas Neuman, Benbrook News
June Bailey
Dale Anderson
Latashia Gaines
Bill Smith
Daniel Tulley
David Bunn
Kate Moore
Glen Martin
and 6 other citizens

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Pastor W. C. Bowers with Wedgwood Church of Nazarene gave invocation.
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 the City Manager may request one or more items be removed from the Consent Agenda for separate discussion and action.)

1. Minutes of the regular meeting held February 3, 2005

Motion by Dr. Dittrich, seconded by Mr. Sauma to approve the consent agenda as presented.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Hebert, Dr. Dittrich, Mr. Vander Pan, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. PROCLAMATION/AWARD/RECOGNITION

**1. Employee Recognition
Dale Anderson – Field Service II – Street Department – 20 Years Service and Retirement**

Mayor Hebert presented Dale Anderson with a Certificate of Appreciation for his 20 years of service to the City of Benbrook and recognized his upcoming retirement.

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Mayor Hebert – Discuss Contract with Tarrant County for Resurfacing of Dutch Branch Park Entry Road and Athletic Field Parking Lots

Mayor Hebert stated the reconstruction of the Dutch Branch Park parking lot was submitted to voters as part of the 2004 Bond Election. The project cost was estimated at approximately \$1,000,000. This proposed project failed to receive voter approval along with all other street related projects in the proposition.

Mayor Hebert stated he has been in contact with Tarrant County regarding their assistance in a possible “in house/County” overlay of the two main parking lots and entrance road into Dutch Branch Park. City staff estimates that the combined cost for this project would be \$84,080. He advised that he is recommending that the project be constructed in three phases as follows:

Phase I	Entry Road	\$15,800
Phase II	West Lot (larger)	\$48,360

Phase III East Lot \$20,920

Mayor Hebert stated it is anticipated that Phase I construction could begin in August. This phase would widen the entry road allowing for two separate dedicated turn lanes out of the facility.

Mayor Hebert stated the cost for Phase I of the project could be charged to the City's reserves with the funding for Phase II and Phase III placed in future City's budgets at the Council's discretion.

Following discussion, motion by Mr. Vander Pan, seconded by Mr. Allison to contract with Tarrant County for the construction of Phase I of the resurfacing of Dutch Branch Park at a cost of \$15,800 to be charged to reserves.

Vote on the Motion:

Ayes: Mr. Allison, Mayor Hebert, Mr. Vander Pan, Dr. Dittrich, Mr. Sauma, Mr. Bailey

Noes: None

Motion carries unanimously.

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1546 Financial Report for Month Ending January 31, 2005

Mr. Conklin gave the following report: General Fund revenues for the month of January totaled \$2,268,749. The major source of revenue came from Ad Valorem Taxes and Sales and Other Taxes. General Fund expenditures for January totaled \$876,286. As of January 31, 2005 revenues exceeded expenditures by \$2,385,584. At January 31, 2005, the City had investments totaling \$11,750,127.

The Benbrook Economic Development Corporation revenues were \$45,288 with most of this amount coming from sales tax. January expenditures for EDC were \$68,127.

Motion by Mr. Vander Pan, seconded by Mr. Bailey to approve the financial report for the month ending January 31, 2005 as presented.

Vote on the Motion:

Ayes: Mayor Hebert, Mr. Vander Pan, Dr. Dittrich, Mr. Sauma, Mr. Bailey, Mr. Allison

Noes: None

Motion carries unanimously.

G-1547 Quarterly Hotel/Motel Bed Tax Fund Report

Mr. Conklin gave the following report: The opening balance as of October 1, 2004 in the Hotel/Motel Bed Tax Fund was \$146,733.87. Total revenues for the quarter ending December 31, 2004 were \$22,083.62 with total expenditures for the same period of \$3,075.08. The ending balance as of December 31, 2004 was \$165,742.41.

During this period, the following expenditures were submitted:

Benbrook Sister Cities submitted receipts totaling \$1,532.84. A total of \$1,291.10 represents fully funded expenses, while receipts for \$349.10 represent partially funded expenses.

A total of \$619.52 for perpetual calendars and frames have been submitted from the Benbrook Promotional Fund.

The Benbrook Chamber of Commerce submitted the receipt for the digi tour for \$880 and receipts for seven relocation packets at a cost of \$51.72.

Motion by Mr. Bailey, seconded by Dr. Dittrich to approve the quarterly Hotel/Motel Bed Tax Fund report for the period ending December 31, 2005.

Vote on the Motion:

Ayes: Mr. Vander Pan, Dr. Dittrich, Mr. Bailey, Mr. Allison, Mayor Hebert

Noes: Mr. Sauma

Motion carries 5-1.

G-1548 Adopt Ordinance Amending Chapter 6.12 – Regulation and Control of Animals of the Benbrook Municipal Code by Amending Language to Section 6.12.020 – Rabies Control

Mr. Wayman gave the following report: In 2003, the Texas Board of Health approved 3-year rabies vaccination protocol in the Texas Administrative Code. The protocol now provides for triennial rabies vaccination, subject to local ordinance.

Currently, the Benbrook Municipal Code requires annual rabies vaccination. The proposed amendment allows for triennial vaccination. In addition, pet owners choosing annual or biennial vaccinations must revaccinate as recommended by the manufacturer at the one or two year intervals.

The proposed amendments do not affect staff's ability to verify and administer rabies licenses. The proposal gives citizens and veterinarians more options and convenience and aligns the Municipal Code with current veterinary techniques.

Motion by Mr. Allison, seconded by Mr. Sauma to adopt Ordinance No. 1183 amending Chapter 6.12 of the Benbrook Municipal Code to provide triennial rabies vaccination.

Vote on the Motion:

Ayes: Dr. Dittrich, Mr. Sauma, Mr. Bailey, Mr. Allison, Mayor Hebert, Mr. Vander Pan

Noes: None

Motion carries unanimously.

G-1549 Authorize Consulting Expenses Related to Charter Communications' Cable Franchise Renewal

Mrs. Cortez gave the following report: Charter Communications' Cable television franchises with Benbrook and other area cities including Fort Worth expire in the fall of 2006. Cities are jointly working through the renewal process in retaining consultants to conduct audits and thoroughly review compliance. In April 2004, City Council authorized staff to engage C2 Consulting Services to conduct a cable franchise fee review at a cost not to exceed \$2,000 and John Pestle of Varnum, Riddering, Schmidt & Howlett to perform legal services at a cost not to exceed \$1,600.

Subject to Council approval, the Cities have agreed to retain Rice, Williams Associates, Inc. to perform a community needs assessment (CAN) to identify the community's need for public, educational, and governmental access channels (PEG); programming support; and I-Net to public facilities. Also included in the scope of the work is a consumer market survey to determine viewer ship of PEG programming, interest in expanded local programming, and consumer willingness to pass through costs. Total consulting fees for the CAN of over \$100,000 are to be shared by the Cities on a per subscriber basis. Fort Worth's portion is \$58,000. The smaller cities will divide the remaining \$45,000 with Benbrook's portion at \$5,725.

The Cities have also preliminarily agreed to retain C2 Consulting Service, Inc. to

perform a technical audit of the system architecture and capabilities, reliability statistics, and maintenance quality as well as a non-call center customer service review of matters such as installations and repairs, outage response time, handling of credits and refunds. Total consulting fees for the technical audit of over \$30,000 will be shared by the Cities on a per subscriber basis. Fort Worth's portion is \$18,000. The smaller cities will divide the remaining \$14,000 with Benbrook's portion at \$1,260.

Motion by Dr. Dittrich, seconded by Mr. Allison to authorize the engagement of Rice, Williams Associates, Inc. and C2 Consulting Services, Inc. to perform consulting services related to the Charter Communications' cable franchise renewal at a cost not to exceed \$7,000.

Vote on the Motion:

Ayes: Mr. Sauma, Mr. Bailey, Mr. Allison, Mayor Hebert, Mr. Vander Pan, Dr. Dittrich

Noes: None

Motion carries unanimously.

B. CONTRACT

C-205 Authorize Engineering Contract with Teague Nall and Perkins, Inc. for Final Design of Plantation West Creek and Plantation East Creek Drainage Improvements

Mr. Gattis gave the following report: In May 2004, the City sold \$3.7 million in drainage bonds. Construction of Timbercreek/Edgewood storm drain project is underway. The City Engineer completed hydrologic and alternatives analysis and preliminary design studies for Plantation West Creek, Plantation East Creek, Timbercreek culverts, and Willow Bend culverts in January. The Engineers are ready to proceed on final design of Plantation West Creek and Plantation East Creek. Staff will bring contracts for the Timbercreek culverts and Willow Bend culverts in the next few weeks.

The Plantation West Creek project will consist of a new culvert at Mary's Creek Drive upstream of Twilight Park and gabion-lined channels upstream and downstream. The project will require acquisition of numerous drainage easements and may require Corps of Engineer approval. Staff estimates the total construction cost of the project to be \$1,441,740. Cost for the floodplain map revisions from the Federal Emergency Management Agency (CLOMR/LOMR) would be in addition to these costs, at approximately \$18,000 for a total cost up to \$1,683,240.

The Plantation East Creek project consists of 1200 linear feet of gabion-lined

channel. The project will require acquisition of drainage easements and possible approval from the Corps of Engineers. The total construction cost of the project is estimated at \$776,886. Costs for CLOMR/LOMR would be approximately \$18,000 for a total cost up to \$942,876.

Motion by Mr. Allison, seconded by Mr. Sauma to authorize staff to enter into contracts with Teague Nall and Perkins for:

1. The final design of Plantation West Creek for a lump sum of \$162,000, plus up to \$40,000 in surveying costs, to be charged to Account 04-3011-5211, and
2. The final design of Plantation East Creek for a lump sum of \$99,800, plus up to \$30,000 in surveying costs, to be charged to Account 04-3012-5211.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Hebert, Mr. Vander Pan, Dr. Dittrich, Mr. Sauma

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN PRESENTATION

XI. ADJOURNMENT

Meeting adjourned at 8:05 followed by a worksession to discuss cemetery expansion options

APPROVED:

Felix T. Hebert, Mayor

ATTEST:

Joanna King, City Secretary