

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, NOVEMBER 5, 2017
911 WINSOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:15 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/PLEDGE OF ALLEGIANCE

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held December 15, 2016

Documents:

[CC MINUTES-12-15-16 \(1\).PDF](#)

IV. PRESENTATION BY MAYOR AND MEMBERS OF COUNCIL

CC-2017-01 Make Appointment To The NAS Fort Worth JRB Regional Coordination Committee (RCC)

Documents:

[CC-2017-01 APPOINTMENT TO RCC.PDF](#)

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2277 Accept Finance Report For Period Ending November 30, 2016

Documents:

[G-2277 FINANCE REPORT NOVEMBER 2016.PDF](#)

[G-2277 REVENUE CHART.PDF](#)

[G-2277 EXPENDITURE CHART.PDF](#)

[G-2277 SALES TAX COMPARISON.PDF](#)

VI. 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. The Exception To Informal

Comments Is That Once An Election Date Has Been Set By City Council Comments Relative To Elections Will Not Be Broadcast On The City's Cable Channel. However, A Copy Of The Tape Containing Citizens' Comments Will Be Available At City Hall For Review Or Purchase By Interested Citizens.

VII. COUNCIL MEMBER AND STAFF COMMENTS

Announcements From City Councilmembers And City Staff May Be Made For Items To Include: Expression Of Thanks; Congratulations; Condolence; Recognition Of Public Officials, Employees Or Citizens; Information Regarding Holiday Schedules; Reminders Of Community Events Or Announcements Involving An Imminent Threat To The Public Health And Safety Of The Municipality That Has Arisen After The Posing Of The Agenda. No Discussion Or Formal Action May Be Taken On These Items At This Meeting.

VIII. ADJOURNMENT

WORKSESSION

1. Discuss Selection Process for Board and Commission Members



**MINUTES
OF THE
REGULAR MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, DECEMBER 15, 2016**

The regular meeting of the Benbrook City Council was held on Thursday December 15, 2016 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Renee Franklin
Larry Marshall
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Dave Gattis, Deputy City Manager
Joanna King, City Secretary
Bennett Howell, Public Service Director

Others Present:

Ed Gallagher
Jeanine Wilson
Bill Smith
Denise Huneycutt, Benbrook News
Kent Williams
Brad Bowen
Henry Peek

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation given by Councilmember Dr. Larry Marshall.
The Pledge of Allegiance was recited.

III. MINUTES

1. Approve Minutes of the Regular Meeting held December 1, 2016

Motion by Dr. Marshall, seconded by Mr. Allison to approve the minutes of the regular meeting held December 1, 2016.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2016-04 Adopt an ordinance amending Title 17-Zoning of the Benbrook Municipal Code (1985), as amended, by changing the zoning classification of 23.0478 acres of land in the Hays Covington Survey, Abstract Number 257, City of Benbrook, Tarrant County, Texas from “BR-PD” One Family Reduced Planned Development District and “D-PD” Multiple Family Planned Development District to “D” Multiple Family District; and 28.2513 acres of land in the Hays Covington Survey, Abstract Number 257, City of Benbrook, Tarrant County, Texas from “D-PD” Multiple Family Planned Development District, “HC-PD1” Highway Corridor Planned Development District 1, and “HC-PD2” Highway Corridor Planned Development District 2 to “D” Multiple Family District and by amending the official zoning map to reflect the change

Dave Gattis gave the following report: The subject property (Tracts 1 and 2) includes approximately 51.2 acres of land, originally preliminary platted in 2004 as part of the Benbrook Towne Crossing Addition. The Benbrook Towne Crossing preliminary plat included approximately 200.3 acres of land and was generally located on the north and south sides of Mercedes Street, northwest of Benbrook Boulevard (US Highway 377) to the city limits and southwest of I-20/Loop 820. In 2010, approximately 42.46 acres of land, including the Tract 2 portion of Z-16-02, was replaced by the Benbrook Field Addition preliminary plat, generally located north of Mercedes Street to Loop 820/I-20, between Benbrook Boulevard and a proposed alignment of the extension of Vista Way, east of Walnut Creek. The 2004 Benbrook Towne Crossing preliminary plat included Tract 1 and has expired. Most recently, expiration of the 2010 Benbrook Field preliminary plat was extended for a period of two years by the Planning and Zoning Commission at their regular meeting held on September 8, 2016.

The existing “BR-PD” One Family Reduced Planned Development District zoning on the 23.0478-acre Tract 1 was approved in September 2004, when the zoning

classification of the property was changed from “SD” Suburban District. The 28.2513-acre Tract 2 site was zoned a mix of “HC-PD1” Highway Corridor Planned Development District 1, “HC-PD2” Highway Corridor Planned Development District 2 and “D-PD” Multiple Family Planned Development in August 2007, although the bulk of the 28-plus acres was zoned “D-PD” District.

According to the applicant’s letter of intent, a zone change to “D” Multiple Family District is proposed because of demand for various housing types within the area, including multi-family developments. The proposed “D” zoning district provides an alternative to traditional single family homes and often serve as a buffer between commercial and various other uses. The “D” zoning district allows medium to high density multi-family dwelling units and is intended to comprise larger tracts of land designed to provide amenities such as open space and recreation space. The district is intended to be located near high volume thoroughfares because of the traffic generating potential of medium to high density dwelling units allowed within the district.

The subject property is located within four future land use plan designations: Commercial, Undeveloped Floodplain, Low Density Single Family and High Density Multi-Family. Section 211.004 of the Texas Local Government Code requires that “Zoning regulations must be adopted in accordance with a Comprehensive Plan...” Although the proposed zone change is not consistent with the existing Commercial and Low Density future land use designations of the Comprehensive Plan, the proposed zoning district is consistent with the existing High Density Multi-Family future land use, which represents the bulk of the 28.2513-acre, Tract 2. The proposed zoning district is also compatible with surrounding zoning districts and uses. The existing Undeveloped Floodplain future land use designation of the property results from Walnut Creek, which bisects the property. This area is required to be preserved, and can act as an amenity to development of the property. Since the adoption of the City’s Comprehensive Plan in 1990, many factors have changed and evolved in Benbrook. Comprehensive plans are used as a guide to growth and development in cities, but as cities change, comprehensive plans also need to change. For example, in 2004 the future land use designation for the property was Mixed Use Village and Undeveloped Floodplain, but was changed in 2007 to remove the mixed use village classification. The proposed revisions reflect an adjustment of the high density multi-family boundaries, and does not introduce new land uses into the area.

The below table illustrates the land use distribution in Planning Area D that would reflect the new land uses reflected by the proposed rezoning application. The resulting total multi-family land would be approximately 15.38 percent of the residential land within the City and remain below the 20 percent ceiling of multi-family to the total residential noted in Principle 3.1.2 of the Land Use element of the Comprehensive Plan.

Summary of Existing and Proposed Land Uses in Area D (acres)

LAND USE	CURRENT	PROPOSE D	NET CHANGE
Low Density Single Family	372.3 acres	363.79 acres	-8.51 acres
Medium Density Multi-Family	0 acres	0 acres	0 acres
High Density Multi-Family	33.06 acres	49.06 acres	+ 16.0 acres
Commercial	106.84 acres	99.35 acres	- 7.49 acres
Community Facilities	48.8 acres	48.8 acres	0 acres
Undeveloped Floodplain	57.0 acres	57.0 acres	0 acres
Right-of-Way	133.9 acres	133.9 acres	0 acres

According to the preliminary plat, access to the property will be from the future extension of Vista Way, which will be built by the City’s Tax Increment Finance District, and the extension of Mercedes Street.

Nearly fifty percent of the combined site is encumbered by the 100-year floodplain and floodway. The floodway is a no-build zone. Tract 1 includes approximately 8.5 acres outside of the floodplain and Tract 2 includes approximately 17.5 acres outside of the floodplain. The floodway follows the boundaries of Walnut Creek, which bisects the property. Pursuant to Chapter 16.16 of the Subdivision Ordinance, any existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of additions, will remain in its natural state as an open channel at all times. Tract 2 is further affected by steep slopes. The impact of the floodplain and steep slopes areas will be limiting factors on actual density of future development. The applicant and TIF District are jointly reviewing the floodplain boundaries through an engineering study.

Mayor Dittrich opened the public hearing at 7:42 p.m.

Brad Bowen, representing Richpenn Resources, said the property is comprised of multiple uses, with the front part or east part, is comprised of 60 to 70 acres, mostly zoned for commercial use. The remainder of the property located behind the commercial tracts to the west, along the railroad tracks, is zoned multiple-family and single-family.

Mr. Bowen said that approximately half of the total 51 acres that they are proposing to rezone, 25 acres are in the floodplain and floodway. He said it is proposed that the extension of Vista Way will snake along the east side of Walnut Creek along the floodplain and terminate at the I-20/Loop 820 service road. The portion east of the floodplain is already zoned “D” Multiple-Family, but it is zoned Multiple-Family Planned Development. They are requesting that the “D” zoning extend to the I-20/Loop 820 service road to the north and south to Mercedes Street.

Mr. Bowen said that the portion of land that can be developed on the east side of the creek is approximately 17 acres. On the west side of the creek, would be a perfect buffer to the developed area to the south which is Brookside Phases I

and II, to the service road to the north, the railroad to the west and the overhead electric utility lines located to the south.

Mr. Bowen said that the apartments would not be visible from Brookside to the south because of the buffer from Walnut Creek. He said there will be another single-family development across from Brookside on the west side of Walnut Creek with approximately 80 homes, about the same size of Brookside I and II.

Mr. Bowen said that the existing commercial property to the east of the subject property is at about the same elevation of Benbrook Boulevard/US Hwy 377. He said that the property along the proposed extension of Vista Way drops about 50 feet from the commercial area on Benbrook Boulevard/US Hwy 377 so there are significant topography challenges. Whatever is built in that area will not be visible from Benbrook Boulevard/US Hwy 377 and because of that topography, they will be limited on the quantity that can be built on the property.

Mr. Bowen said that the builders they are working with do not build typical apartments that you think of when you hear the word "apartment". They only build high-end products that are typical of what you would see in Dallas or Fort Worth.

With no other speakers, Mayor Dittrich closed the public hearing at 8:02 p.m.

Motion by Mr. Wilson, seconded by Ms. Franklin to adopt Ordinance No. 1404, amending Title 17-Zoning of the Benbrook Municipal Code (1985), as amended, by changing the zoning classification of 23.0478 acres of land in the Hays Covington Survey, Abstract Number 257, City of Benbrook, Tarrant County, Texas from "BR-PD" One Family Reduced Planned Development District and "D-PD" Multiple Family Planned Development District to "D" Multiple Family District; and 28.2513 acres of land in the Hays Covington Survey, Abstract Number 257, City of Benbrook, Tarrant County, Texas from "D-PD" Multiple Family Planned Development District, "HC-PD1" Highway Corridor Planned Development District 1, and "HC-PD2" Highway Corridor Planned Development District 2 to "D" Multiple Family District and by amending the official zoning map to reflect the change.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1404 being **"AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 23.0478 ACRES OF LAND IN THE HAYS COVINGTON SURVEY, ABSTRACT NUMBER 257, CITY OF BENBROOK, TARRANT COUNTY, TEXAS FROM "BR-PD" ONE FAMILY**

REDUCED PLANNED DEVELOPMENT DISTRICT AND “D-PD” MULTIPLE FAMILY PLANNED DEVELOPMENT DISTRICT TO “D” MULTIPLE FAMILY DISTRICT; AND 28.2513 ACRES OF LAND IN THE HAYS COVINGTON SURVEY, ABSTRACT NUMBER 257, CITY OF BENBROOK, TARRANT COUNTY, TEXAS FROM “D-PD” MULTIPLE FAMILY PLANNED DEVELOPMENT DISTRICT, “HC-PD1” HIGHWAY CORRIDOR PLANNED DEVELOPMENT DISTRICT 1, AND “HC-PD2” HIGHWAY CORRIDOR PLANNED DEVELOPMENT DISTRICT 2 TO “D” MULTIPLE FAMILY DISTRICT AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1

That Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended to change the zoning classification of 23.0478 acres of land in the Hays Covington Survey, Abstract Number 257, in the City of Benbrook, Tarrant County, Texas such property being more particularly described by metes and bounds as follows, from “BR-PD” One Family Reduced Planned Development District and “D-PD” Multiple Family Planned Development District to “D” Multiple Family District:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, OUT OF THE H. COVINGTON SURVEY, ABSTRACT NO. 257, AND BEING A PART OF THE 120.9242 ACRE TRACT OF LAND CONVEYED TO BO PEEK, LT., AS RECORDED IN COUNTY CLERKS FILE NUMBER D204166053 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS, AND ALSO BEING A PART OF THE 46.6346 ACRE TRACT OF LAND CONVEYED TO BENBROOK ECONOMIC DEVELOPMENT CORPORATION BY DEED RECORDED IN COUNTY CLERKS FILE NUMBER D204166052 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING AT A POINT FOR THE INTERSECTION OF THE SOUTHEAST RIGHT OF WAY LINE OF THE TEXAS AND PACIFIC RAILROAD WITH THE SOUTHWEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 20 (VARIABLE WIDTH RIGHT OF WAY);

THENCE SOUTH 59° 20' 51" WEST ALONG THE SOUTHEAST RIGHT OF WAY LINE OF SAID TEXAS AND PACIFIC RAILROAD FOR A DISTANCE OF 139.57 FEET TO THE POINT OF BEGINNING ITS INTERSECTION WITH THE CENTERLINE OF WALNUT CREEK;

THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG THE CENTERLINE OF SAID WALNUT CREEK AS FOLLOWS:

- (1) SOUTH 17°52'11" WEST FOR A DISTANCE OF 36.17 FEET TO A POINT FOR CORNER;
- (2) SOUTH 36°42'10" WEST FOR A DISTANCE OF 57.81 FEET TO A POINT FOR CORNER;
- (3) SOUTH 41°15'28" WEST FOR A DISTANCE OF 76.14 FEET TO A POINT FOR CORNER;
- (4) SOUTH 46°01'06" WEST FOR A DISTANCE OF 102.52 FEET TO A POINT FOR CORNER;
- (5) SOUTH 44°08'54" WEST FOR A DISTANCE OF 72.07 FEET TO A POINT FOR CORNER;
- (6) SOUTH 25°29'10" WEST FOR A DISTANCE OF 88.71 FEET TO A POINT FOR CORNER;
- (7) SOUTH 29°59'00" WEST FOR A DISTANCE OF 64.13 FEET TO A POINT FOR CORNER;
- (8) SOUTH 47°51'59" WEST FOR A DISTANCE OF 77.13 FEET TO A POINT FOR CORNER;
- (9) SOUTH 72°03'12" WEST FOR A DISTANCE OF 65.79 FEET TO A POINT FOR CORNER;
- (10) SOUTH 76°13'59" WEST FOR A DISTANCE OF 72.10 FEET TO A POINT FOR CORNER;
- (11) SOUTH 24°40'33" WEST FOR A DISTANCE OF 103.22 FEET TO A POINT FOR CORNER;
- (12) SOUTH 19°49'12" WEST FOR A DISTANCE OF 104.07 FEET TO A POINT FOR CORNER;
- (13) SOUTH 29°36'33" WEST FOR A DISTANCE OF 82.10 FEET TO A POINT FOR CORNER;
- (14) SOUTH 09°51'43" WEST FOR A DISTANCE OF 27.75 FEET TO A POINT FOR CORNER;
- (15) SOUTH 21°55'37" WEST FOR A DISTANCE OF 64.12 FEET TO A POINT FOR CORNER;
- (16) SOUTH 29°52'30" WEST FOR A DISTANCE OF 103.06 FEET TO A POINT FOR CORNER;
- (17) SOUTH 28°48'16" WEST FOR A DISTANCE OF 84.68 FEET TO A POINT FOR CORNER;

(18) SOUTH 16°00'53" WEST FOR A DISTANCE OF 122.29 FEET TO A POINT FOR CORNER;

(19) SOUTH 26°40'37" WEST FOR A DISTANCE OF 98.34 FEET TO A POINT FOR CORNER;

(20) SOUTH 08°07'11" WEST FOR A DISTANCE OF 90.04 FEET TO A POINT FOR CORNER;

(21) SOUTH 00°32'45" EAST FOR A DISTANCE OF 67.72 FEET TO A POINT FOR CORNER;

(22) SOUTH 23°25'30" EAST FOR A DISTANCE OF 51.96 FEET TO A POINT FOR CORNER;

(23) SOUTH 10°46'47" EAST FOR A DISTANCE OF 81.38 FEET TO A POINT FOR CORNER;

(24) SOUTH 03°20'39" EAST FOR A DISTANCE OF 136.21 FEET TO A POINT FOR CORNER;

THENCE SOUTH 38°00'00" WEST AND DEPARTING THE CENTERLINE OF SAID WALNUT CREEK FOR A DISTANCE OF 399.95 FEET TO A POINT FOR CORNER, SAID POINT BEING ON THE NORTHEAST RIGHT OF WAY LINE OF MERCEDES STREET AS SHOWN ON THE PLAT OF BROOKSIDE AT BENBROOK FIELD, AN ADDITION TO THE CITY OF BENBROOK, TEXAS ACCORDING TO THE PLAT THEREOF AS RECORDED IN CABINET A AT SLIDE 11728 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS

THENCE NORTH 52°25'26" WEST AND FOLLOWING ALONG SAID BROOKSIDE AT BENBROOK FIELD ADDITION FOR A DISTANCE OF 31.31 FEET TO A POINT FOR CORNER

THENCE SOUTH 82°34'34" WEST AND CONTINUING ALONG SAID BROOKSIDE AT BENBROOK FIELD ADDITION FOR A DISTANCE OF 14.85 FEET TO A POINT FOR CORNER

THENCE SOUTH 37°34'34" WEST AND CONTINUING ALONG SAID BROOKSIDE AT BENBROOK FIELD ADDITION FOR A DISTANCE OF 28.52 FEET TO A POINT FOR CORNER;

THENCE NORTH 52°25'26" WEST AND DEPARTING THE SAID BROOKSIDE AT BENBROOK FIELD FOR A DISTANCE OF 95.72 FEET TO A POINT FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17°40'52" WITH A RADIUS OF 300.00 FEET AND A CHORD BEARING NORTH 62°06'07" WEST AT A DISTANCE OF 92.21 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT AN ARC DISTANCE OF 92.58 FEET TO A POINT FOR CORNER;

THENCE NORTH 70°56'33" WEST FOR A DISTANCE OF 23.64 FEET TO A POINT FOR CORNER

THENCE NORTH 70°56'33" WEST FOR A DISTANCE OF 203.24 FEET TO A POINT FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 42°29'13" WITH A RADIUS OF 300.00 FEET AND A CHORD BEARING NORTH 49°41'56" WEST AT A DISTANCE OF 217.40 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 222.46 FEET TO A POINT FOR CORNER;

THENCE NORTH 28°27'20" WEST FOR A DISTANCE OF 182.25 FEET TO A POINT FOR CORNER;

THENCE NORTH 61°32'40" EAST FOR A DISTANCE OF 522.86 FEET TO A POINT FOR CORNER;

THENCE NORTH 30°40'59" WEST AND CONTINUING ALONG THE COMMON LINE OF SAID TEXAS ELECTRIC SERVICE COMPANY TRACT AND THE BO PEEK, LTD., 120.9242 ACRE TRACT FOR A DISTANCE OF 412.50 FEET TO A POINT FOR THE MOST NORTHERLY CORNER OF SAID TEXAS ELECTRIC SERVICE COMPANY TRACT;

THENCE NORTH 59°20'51" EAST ALONG THE NORTHWEST LINE OF SAID 120.9242 ACRE TRACT, SAME BEING THE SOUTHEAST LINE OF THE AFOREMENTIONED TEXAS AND PACIFIC RAILROAD FOR A DISTANCE OF 1686.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 23.0478 ACRES OF LAND MORE OR LESS.

SECTION 2

That Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended to also change the zoning classification of 28.0478 acres of land in the Hays Covington Survey, Abstract Number 257, in the City of Benbrook, Tarrant County, Texas such property being more particularly described by metes and bounds as follows, from “D-PD” Multiple Family Reduced Planned Development District, “HC-PD1” Highway Corridor Planned Development District 1 and “HC-PD2” Highway Corridor Planned Development District 2 to “D” Multiple Family District:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, OUT OF THE H. COVINGTON SURVEY, ABSTRACT NO. 257, AND BEING A PART OF THE 120.9242 ACRE TRACT OF LAND CONVEYED TO BO PEEK, LT., AS RECORDED IN COUNTY CLERKS FILE NUMBER D204166053 OF THE DEED

RECORDS OF TARRANT COUNTY, TEXAS, AND A PART OF THE 46.6346 ACRE TRACT OF LAND CONVEYED TO BENBROOK ECONOMIC DEVELOPMENT CORPORATION, AS RECORDED IN COUNTY CLERKS FILE NUMBER D204166052 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT FOR THE INTERSECTION OF THE SOUTHEAST RIGHT OF WAY LINE OF THE TEXAS AND PACIFIC RAILROAD WITH THE SOUTHWEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 20 (VARIABLE WIDTH RIGHT OF WAY);

THENCE SOUTH 50° 02' 15" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 20 FOR A DISTANCE OF 20.25 FEET TO A POINT FOR CORNER;

THENCE SOUTH 85° 09' 18" EAST AND CONTINUING ALONG THE SOUTH LINE OF INTERSTATE HIGHWAY NO. 20 FOR A DISTANCE OF 48.73 FEET TO A POINT FOR CORNER;

THENCE SOUTH 49° 11' 03" EAST AND CONTINUING ALONG THE SOUTH LINE OF INTERSTATE HIGHWAY NO. 20 FOR A DISTANCE OF 758.57 FEET TO A POINT FOR CORNER; SAID POINT ALSO BEING MOST NORTHERLY CORNER OF LOT 2 IN BLOCK 1 OF THE MARSHALL T. ROBINSON ADDITION, AN ADDITION TO THE CITY OF BENBROOK, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A AT SLIDE 3067 OF THE MAP RECORDS OF TARRANT COUNTY, TEXAS;

THENCE SOUTH 63° 07' 26" WEST AND FOLLOWING ALONG THE NORTHWESTERLY LINE OF SAID LOT 2 IN BLOCK 1 OF THE MARSHALL T. ROBINSON ADDITION AND BEING COMMON TO THE SOUTHEASTERLY LINE OF SAID 46.6346 ACRE TRACT FOR A DISTANCE OF 310.09 FEET TO A POINT FOR CORNER;

THENCE SOUTH 29° 35' 28" WEST AND CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID LOT 2 IN BLOCK 1 OF THE MARSHALL T. ROBINSON ADDITION AND COMMON TO THE SOUTHEASTERLY LINE OF SAID 46.6346 ACRE FOR A DISTANCE OF 256.38 FEET TO A POINT FOR CORNER;

THENCE NORTH 49° 11' 03" WEST FOR A DISTANCE OF 196.99 FEET TO A POINT FOR CORNER;

THENCE SOUTH 37° 34' 33" WEST FOR A DISTANCE OF 1061.54 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A POINT OF CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 09° 34' 18" WITH A RADIUS OF 475.00 FEET WITH A CHORD BEARING SOUTH 42° 21' 42" WEST AT A DISTANCE OF 76.26 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 79.35 FEET TO A POINT FOR CORNER;
THENCE SOUTH 52° 25' 27" EAST FOR A DISTANCE OF 56.81 FEET TO A POINT FOR CORNER;

THENCE SOUTH 37° 34' 33" WEST FOR A DISTANCE OF 613.85 FEET TO A POINT FOR CORNER IN THE NORTHEAST RIGHT OF WAY LINE OF MERCEDES STREET (VARIABLE WIDTH RIGHT OF WAY) AS DEDICATED AS SHOWN ON THE PLAT OF BROOKSIDE AT BENBROOK FIELD, AN ADDITION TO THE CITY OF BENBROOK, TEXAS ACCORDING TO THE PLAT THEREOF AS RECORDED IN CABINET "A" AT SLIDE 11728 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, SAID POINT BEING IN A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02° 44' 47" WITH A RADIUS OF 620.00 FEET AND A CHORD BEARING NORTH 53° 47' 50" WEST AT A DISTANCE OF 29.72 FEET;

THENCE NORTHWESTERLY AND FOLLOWING ALONG THE NORTHEAST RIGHT OF WAY LINE OF MERCEDES STREET FOR AN ARC DISTANCE OF 29.72 FEET TO A POINT FOR CORNER;

THENCE NORTH 52° 25' 26" WEST AND CONTINUING ALONG THE NORTHEAST RIGHT OF WAY LINE OF SAID MERCEDES STREET FOR A DISTANCE OF 174.96 FEET TO A POINT FOR CORNER, SAID POINT BEING A CUT-OFF LINERE FOR VISTA WAY;

THENCE NORTH 09° 30' 31" WEST ALONG THE CUT-OFF LINE OF VISTA WAY FOR A DISTANCE OF 15.42 FEET TO A POINT FOR CORNER;

THENCE NORTH 52° 25' 26" WEST AND FOLLOWING THE VISTA WAY FOR A DISTANCE OF 28.69 FEET TO A POINT FOR CORNER;

THENCE NORTH 38° 00' 00" EAST AND DEPARTING THE NORTHEAST LINE OF SAID BROOKSIDE AT BENBROOK FIELD FOR A DISTANCE OF 399.95 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF WALNUT CREEK;

THENCE NORTHWESTERLY AND NORTHEASTERLY ALONG SAID CENTERLINE OF WALNUT CREEK AS FOLLOWS:

(1) THENCE NORTH 03° 20' 39" WEST FOR A DISTANCE OF 136.21 FEET TO A POINT FOR CORNER;

(2) THENCE NORTH 10° 46' 47" WEST FOR A DISTANCE OF 81.38 FEET TO A POINT FOR CORNER;

(3) THENCE NORTH 23° 25' 30" WEST FOR A DISTANCE OF 51.96 FEET TO A POINT FOR CORNER;

(4) THENCE NORTH 00° 32' 45" WEST FOR A DISTANCE OF 67.72 FEET TO A POINT FOR CORNER;

- (5) THENCE NORTH 08° 07' 11" EAST FOR A DISTANCE OF 90.04 FEET TO A POINT FOR CORNER;
- (6) THENCE NORTH 26° 40' 37" EAST FOR A DISTANCE OF 98.34 FEET TO A POINT FOR CORNER;
- (7) THENCE NORTH 16° 00' 53" EAST FOR A DISTANCE OF 122.29 FEET TO A POINT FOR CORNER;
- (8) THENCE NORTH 28° 48' 16" EAST FOR A DISTANCE OF 84.68 FEET TO A POINT FOR CORNER;
- (9) THENCE NORTH 29° 52' 30" EAST FOR A DISTANCE OF 103.06 FEET TO A POINT FOR CORNER;
- (10) THENCE NORTH 21° 55' 37" EAST FOR A DISTANCE OF 64.12 FEET TO A POINT FOR CORNER;
- (11) THENCE NORTH 09° 51' 43" EAST FOR A DISTANCE OF 27.75 FEET TO A POINT FOR CORNER;
- (12) THENCE NORTH 29° 36' 33" EAST FOR A DISTANCE OF 82.10 FEET TO A POINT FOR CORNER;
- (13) THENCE NORTH 19° 49' 12" EAST FOR A DISTANCE OF 104.07 FEET TO A POINT FOR CORNER;
- (14) THENCE NORTH 24° 40' 33" EAST FOR A DISTANCE OF 103.22 FEET TO A POINT FOR CORNER;
- (15) THENCE NORTH 76° 13' 59" EAST FOR A DISTANCE OF 72.10 FEET TO A POINT FOR CORNER;
- (16) THENCE NORTH 72° 03' 12" EAST FOR A DISTANCE OF 65.79 FEET TO A POINT FOR CORNER;
- (17) THENCE NORTH 47° 51' 59" EAST FOR A DISTANCE OF 77.13 FEET TO A POINT FOR CORNER;
- (18) THENCE NORTH 29° 59' 00" EAST FOR A DISTANCE OF 64.13 FEET TO A POINT FOR CORNER;
- (19) THENCE NORTH 25° 29' 10" EAST FOR A DISTANCE OF 88.71 FEET TO A POINT FOR CORNER;
- (20) THENCE NORTH 44° 08' 54" EAST FOR A DISTANCE OF 72.07 FEET TO A POINT FOR CORNER;
- (21) THENCE NORTH 46° 01' 06" EAST FOR A DISTANCE OF 102.52 FEET TO A POINT FOR CORNER;

(22) THENCE NORTH 41° 15' 28" EAST FOR A DISTANCE OF 76.14 FEET TO A POINT FOR CORNER;

(23) THENCE NORTH 36° 42' 10" EAST FOR A DISTANCE OF 57.81 FEET TO A POINT FOR CORNER;

(24) THENCE NORTH 17° 52' 11" EAST FOR A DISTANCE OF 36.17 FEET TO A POINT FOR CORNER IN THE AFORESAID SOUTHEAST RIGHT OF WAY LINE OF THE TEXAS AND PACIFIC RAILROAD;

THENCE NORTH 59° 20' 51" EAST AND FOLLOWING ALONG THE SOUTHEAST RIGHT OF WAY LINE OF THE TEXAS AND PACIFIC RAILROAD FOR A DISTANCE OF 139.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 28.2513 ACRES OF LAND, MORE OR LESS.

SECTION 9

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

SECTION 10

This Ordinance shall be in full force and effect from and after its passage and it is so ordained

V. REPORTS OF CITY MANAGER

A. GENERAL

G-2274 Make appointments to Boards and Commissions

Joanna King gave the following report: The even numbered positions on the City's various Boards and Commissions will expire on December 30, 2016. There is also a vacancy in Place 3 on the Economic Development Corporation Board of Directors for a term to expire on December 30, 2017.

Applications were received and submitted to City Council at their November 17, 2016 meeting. City Council conducted interviews with the candidates on December 7 and 8, 2016.

Motion by Mr. Sauma, seconded by Dr. Marshall to make the following appointments to the various Boards and Commissions for a term to begin December 31, 2016 and expire December 30, 2018:

PLANNING AND ZONING COMMISSION

Place 2 John Logan

Place 4 John Dawson
Place 6 Jon Craver
Place 8 Viane Braun

ZONING BOARD OF ADJUSTMENTS/APPEALS COMMISSION

Place 2 Odessa Ellis
Place 4 Jennifer Mundine
Alternate B Robert Wood
Alternate D Jededian Stinson

PARKS AND RECREATION BOARD

Place 2 Kyle Ewing
Place 4 Karen Henderson
Place 6 Lizzy Ward

BENBROOK ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS

Place 2 Michelle Cole
Place 4 Julia Nova
Place 6 Gary Crowell

TAX INCREMENT FINANCING DISTRICT BOARD OF DIRECTORS

Place 2 Edward Fusilier
Place 4 Hayes Lewis

To make the following appointment to the unexpired term on the Benbrook Economic Development Corporation Board of Directors for a term to begin December 31, 2016 and expire December 30, 2017:

Place 3 Michelle Thomas

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2275 Adopt Ordinance amending Chapter 5.04 – Alcoholic Beverage Sales of the Benbrook Municipal Code

Dave Gattis gave the following report: The City Council held a work session last March to discuss potential amendments to the Municipal Code Chapter on Alcoholic Beverage Sales. Staff had noted that there were some provisions that

were ambiguous, as well as the need to update the language to reflect the local option election authorizing wine for off-premise consumption which passed in 2010. While the City Council discussed a number of potential changes, it was the consensus to make few significant changes.

The proposed revisions include:

Sections 5.04.010 and 5.04.020: Revision of pronouns to reflect both genders.

Section 5.04.090: Change “use district” to “zoning district.”

Section 5.04.110: Revisions to paragraph A.1. to clarify to allow the sale of beer in wine in retail stores, but to prohibit stores that only sell beer and wine. Also clarifies criteria for restaurants. Paragraph C. is deleted to prohibit a bar in a hotel/motel.

Section 5.04.120: Clarifies that late hour permits are to be issued by the Texas Alcoholic Beverage Commission (TABC).

Section 5.04.130: Clarifies that temporary mixed drink beverage permits issued by TABC must also meet the 50 percent food sale requirement.

Section 5.04.140: Clarifies reporting requirements for non-alcohol revenues and clarifies that private clubs must meet definition of TABC.

Section 5.04.150: Corrects a misspelling (“at” instead of “as”).

Motion by Ms. Franklin, seconded by Mr. Allison to adopt Ordinance 1405 amending Chapter 5.04 regarding alcoholic beverage sales.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1405 being “AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING CHAPTER 5.04 - "ALCOHOLIC BEVERAGE SALES" OF THE BENBROOK MUNICIPAL CODE, BY REVISING AND CLARIFYING THE REGULATIONS RELATED TO THE LOCATION AND APPLICABILITY FOR VARIOUS ALCOHOL SALES PERMITS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

**SECTION 5
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) 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 7
EFFECTIVE DATE**

That this ordinance shall take effect after adoption and publication as required by Law.

G-2276 Approve contract for sale of 913 Timberline Drive

The property at 913 Timberline Drive contained a house that was classified as a repetitive loss property by the National Flood Insurance Program, meaning that it had sustained two or more flood insurance claims of \$1,000 or more. The property also had a retaining wall that encroached illegally into the Dry Branch creek bed. In addition, the City's drainage plan identified the need to enlarge the inlet at the front of the property to adequately drain water from the street. Finally, this was one of only two houses that would not be removed from the 100-year floodplain by the Timber Creek Channel project.

In November 2005, the City Council authorized the purchase of the property and the purchase was completed in January 2006. The house was demolished in March 2006 and improvements were made to the creek and the storm drain inlet, and the building pad was elevated above the new 100-year flood level in November 2006. The Letter of Map Revision based on Fill (LOMR-F) officially removing the building site from the 100-year floodplain was received from FEMA on June 19, 2007, delayed primarily by the processing of the LOMR by FEMA on the Timber Creek Channel project.

The City has attempted to sell the property through a sealed bid process in 2007, 2008, 2009 and 2016. No bids were received. On August 18, 2016, the City received an unsolicited offer for \$10,000 but the buyers backed out of the purchase. A real estate agent was then contacted to list the property. Multiple bids were received and the best offer was for \$15,000. The City of Benbrook will net approximately \$12,000 from the sale after deducting customary closing costs and real estate agent fees.

Motion by Mr. Wilson, seconded by Mr. Allison to approve the contract for the sale of 913 Timberline Drive (Lot 22, Block 16, Timber Creek Addition) to ACS Rentals for \$15,000 and that the City retain the mineral rights.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

VII. COUNCIL MEMBER AND STAFF COMMENTS

Mayor Dittrich advised that this would be the last meeting attended by Mr. Dave Gattis as a staff member. Mr. Gattis is retiring from the City at the end of December. Mayor Dittrich, member of council, and Andy Wayman expressed their deepest gratitude and appreciation to Mr. Gattis for the excellent service he has provided the City of Benbrook. Mr. Gattis has been very instrumental in all aspects of development of the City as well as providing service to other municipalities, State agencies and organizations.

VIII. ADJOURNMENT

Meeting adjourned at 8:23 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Andy Wayman, City Manager

SUBJECT: Appoint Representative to NAS Fort Worth JRB Regional Coordinating Committee (RCC)

Recognizing the risk to the operations of the Naval Air Station Fort Worth Joint Reserve Base (NAS Fort Worth JRB) by development pressure surrounding the installation, a Joint Land Use Study (JLUS) was initiated in 2006 by the base, surrounding communities, and the North Central Texas Council of Governments (NCTCOG) to identify actions to enable the continued coexistence of the installation and the communities. Several recommended initiatives were developed as an outcome of the JLUS process, including the formation of an NAS Fort Worth JRB Regional Coordination Committee (RCC). The purpose of the RCC is to develop, implement, and monitor policies, programs, and projects which improve opportunities to protect and expand operations at NAS Fort Worth, JRB in the next Base Realignment and Closure (BRAC) process.

Benbrook is a voting member of the Regional Coordinating Committee, along with the cities of Fort Worth, Lake Worth, River Oaks, Sansom Park, Westworth Village, White Settlement, and Tarrant County. Each entity is entitled to appoint two voting representatives to the RCC, which meets quarterly. Ron Sauma and Dave Gattis have been Benbrook's voting representatives for a number of years. With Mr. Gattis' retirement at the end of December, the City Council should consider appointing another member to serve in his place. The next scheduled meeting of the RCC is on January 23rd, 2017 in Sansom Park.

RECOMMENDATION

City Council should appoint a voting representative to the NAS Fort Worth JRB Regional Coordinating Committee to fill the vacancy created by the retirement of Mr. Gattis.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 01/05/17	REFERENCE NUMBER: G-2277	SUBJECT: Accept finance report for period ending November 30, 2016	PAGE: 1 of 2
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GENERAL FUND

General Fund revenues for the month of November were \$1,041,847. Property tax collections were \$532,670. Sales tax collected in October 2016 but received by the City and recognized as revenue in November 2016 was \$204,261 for the month. A separate summary of sales tax revenue collections is provided for informational purposes. General Fund revenues collected through the end of November were \$2,283,361 or 13.05% of the budget.

General Fund expenditures for the month of November were \$1,616,252. Expenditures through the end of November were \$2,927,128 or 15.57% of the adopted budget.

For the 2016-17 fiscal year-to-date, total General Fund expenditures of \$2,927,128 exceeded General Fund revenues of \$2,283,361 by \$643,767.

DEBT SERVICE

Debt Service revenues collected for the month of November 2016 totaled \$23,532; all revenue was from property taxes. There were no Debt Service expenditures for November. Total revenues for 2016-17 in the amount of \$45,882 exceeded total expenditures by \$45,882.

EDC

EDC revenues as of November 30, 2016 were \$193,322. Sales tax revenue received by the EDC in November 2016 was \$102,131. EDC expenditures for November were \$67,747. Expenditures for the 2016-17 fiscal year were \$101,211. Revenues for the year exceeded EDC expenditures by \$92,111.

CAPITAL PROJECTS

Total revenues received through November 30, 2016 for the Capital Projects Fund were \$185,110 from Stormwater Utility Fees. Total expenditures for the Capital Projects Fund in 2016-17 were \$110,620. November expenses were \$52,068 for the Chapin Road Cross Culvert Project, Van Deman Road Drainage Project, Timberline Creek Drainage Project, Vista Way Project, and Benbrook Boulevard Project. Total revenues exceeded total expenditures by \$74,490.

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

DATE: 01/05/17	REFERENCE NUMBER: G-2277	SUBJECT: Accept finance report for period ending November 30, 2016	PAGE: 2 of 2
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CASH & INVESTMENTS

On November 30, 2016, the City had \$21,107,837 invested at varying interest rates; the EDC had \$6,511,413 available.

RECOMMENDATION

Staff recommends that City Council accept the finance report for the period ending November 30, 2016.

