



**MINUTES
OF THE
REGULAR MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MARCH 16, 2017**

The regular meeting of the Benbrook City Council was held on Thursday March 16, 2017 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
Jim Wilson
Ron Sauma

Also Present:

Jim Hinderaker, Assistant City Manager
Joanna King, City Secretary
Ed Gallagher, Planning Director
Maddie Schwartz, Accountant

Others Present:

Alex Busken, Management Analyst
Bill Smith
Jackie Gonzales, Weaver & Tidwell, LLP
Stephanie Wilson, Weaver & Tidwell, LLP
Pauline Vickers
David Killegrew
and 3 other citizens

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Jerry 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 March 2, 2017

Motion by Dr. Marshall, seconded by Ms. Franklin to approve the minutes of the regular meeting held March 2, 2017.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. REPORTS FROM CITY MANAGER

A. GENERAL

G-2287 Accept finance report for period ending February 28, 2017

Maddie Schwartz gave the following report: General Fund revenues for the month of February were \$2,500,170. Property tax collections were \$2,021,216. Sales tax collected in January 2017 but received by the City and recognized as revenue in February 2017 was \$240,241 for the month. General Fund revenues collected through the end of February were \$12,564,171 or 71.79% of the budget.

General Fund expenditures for the month of February were \$2,741,322. Expenditures through the end of February were \$8,476,748 or 45.09% of the adopted budget.

The 2016-17 General Fund budget includes the use of \$1,310,000 from reserves for transfers to the Capital Asset Replacement Fund, the Animal Shelter Account, the Clear Fork Bridge Account, and the Vista Way Sidewalk Project Account in the Capital Projects Funds. These transfers are reflected in the year-to-date expenditure totals.

For the 2016-17 fiscal year-to-date, total General Fund revenues of \$12,564,171 exceeded General Fund expenditures of \$8,476,748 by \$4,087,423.

Debt Service revenues collected for the month of February 2017 totaled \$89,291; all revenue was from property taxes. There were no Debt Service expenditures for February. Total revenues for 2016-17 in the amount of \$435,081 were exceeded by total expenditures of \$1,421,022 by \$985,941.

EDC revenues as of February 28, 2017 were \$495,419. Sales tax revenue received by the EDC in February 2017 was \$119,941. EDC expenditures for February were \$59,966. Expenditures for the 2016-17 fiscal year were \$297,045. Revenues for the year exceeded EDC expenditures by \$198,374.

Total revenues received through February 28, 2017 for the Capital Projects Fund were \$1,488,684 from stormwater utility fees, mineral lease revenue, and budgeted transfers from General Fund reserves. Total expenditures for the Capital Projects Fund in 2016-17 were \$179,869. February expenses were \$47,600 for the Chapin Road Cross Culvert Project, Vista Way Project, Walnut Creek Flood Study Project, Benbrook Boulevard Project, and Clear Fork Bridge Project.

Total revenues exceeded total expenditures by \$1,308,815.

On February 28, 2017, the City had \$25,845,496 invested at varying interest rates; the EDC had \$6,683,179 available.

Motion by Mr. Sauma, seconded by Ms. Franklin to accept the finance report for the period ending February 28, 2017.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2288 Accept Comprehensive Annual Finance Report for fiscal year ended September 30, 2016

Maddie Schwartz gave the following report: The Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2016 is presented to City Council for information and consideration. The Finance Department prepared the report which has been audited by Weaver & Tidwell L.L.P., the City's independent auditor. The CAFR has three sections: Introductory, Financial, and Statistical.

FINANCIAL HIGHLIGHTS

- General Fund revenues exceeded the original budget by \$579,465. The primary factor was the receipt of Sales Tax that was higher than budgeted projection by \$269,603, or 14.1 percent. The City also received more revenues than budgeted in several other areas, including Licenses, Permits, and other fees. Overall, the actual revenues received in the General Fund for fiscal year 2015-2016 were 103.5% of the original budgeted amount.
- General Fund expenditures were less than the original budget of \$16,692,964 by \$651,184, or 3.9%. The Public Safety Departments, who make up over half the City's budget, accounted for nearly 60% of the savings. The other 40% was a combined effort of nearly every department spending less than the budget allocations.
- The City's net position (generally assets over liabilities) was \$63,002,381 at the close of business on September 30, 2016 as compared to the prior year's total of \$61,056,220. Of this amount, \$9,162,784 is unrestricted and may be used to meet the City's on-going obligations to citizens and creditors in accordance with the City's fund designation and fiscal policies.

Motion by Mr. Wilson, seconded by Dr. Marshall to accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2289 Adopt Ordinance amending Chapter 17.84 – Supplementary District of the Benbrook Municipal Code

Jim Hinderaker gave the following report: On August 18, 2016, City Council adopted Ordinance No. 1398, an ordinance amending Title 17 – Zoning of the Benbrook Municipal Code. The ordinance included, among many other amendments, a specific amendment to Chapter 17.84 – Supplementary District Regulations that revised paragraph A of Section 17.84.100 – Architectural Standards for Nonresidential Buildings. This amendment inadvertently omitted the last two sentences of the first regulatory paragraph provided under Section 17.84.100.A (1) Materials.

The first regulatory paragraph provided under Section 17.84.100.A (1) should read, with missing sentences now included, as follows:

Materials:

All building facades that are visible from adjoining properties and/or public streets (excluding facades facing residential property that are screened by an eight-foot masonry wall or masonry fence) shall be of architectural block, face brick, granite, marble, stucco, stone, cast stone, face tile, or tinted, textured or split-faced concrete masonry units. Glazing and framed glazing with less than twenty percent (20%) reflectance are considered acceptable alternatives. Tilt-up concrete construction is permitted, providing the exterior surface is textured or covered with brick, stone, or material fabricated to simulate brick or stone. Stucco and ELFS (Exterior Insulation Finished System) are permitted, provided they are located 10 feet (10') above ground and do not exceed twenty percent (20%) of a façade area. Smooth concrete block and prefabricated metal panels are prohibited.

The proposed ordinance restores the deleted text.

Motion by Ms. Franklin, seconded by Mr. Sauma to adopt Ordinance No. 1407 restoring the deleted portion of Section 17.84.100.A (1) Materials of the Benbrook Municipal Code.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1407 being **“AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 17.84 – SUPPLEMENTARY DISTRICT REGULATION – ZONING OF THE BENBROOK MUNICIPAL CODE.”**

SECTION 2 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 9 EFFECTIVE DATE

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

G-2290 Adopt Resolution releasing a portion of a five-foot wide utility easement and a portion of a 50-foot wide drainage, utility and pedestrian easement on Lot 3, Block 1, Benbrook EDC Addition (8501 Benbrook Boulevard/U.S. Highway 377)

Ed Gallagher gave the following report: The two-plus acre commercial zoned Lot 3 at the southeast corner of Benbrook Boulevard and Loop 820 is the result of four separate subdivision replats from 2002 to 2011 that included the vacation of four street right-of-way areas from the 1946 original Benbrook Estates plat, the vacation of a TxDOT right-of-way area and the vacation of numerous assorted utility easement areas. The replats also dedicated right-of-way for a relocated Del Rio Avenue, dedicated easements to provide for utility facilities that existed in vacated right-of-way areas and provided easements to serve new and anticipated projects.

The result is Lot 3 crisscrossed by numerous easements, that primarily relate to the configuration of previous right-of-way areas and lot lines having little relation to existing lot lines, and impacts the “buildable area” of the lot. The building footprint of the current Gateway Center project, a two-story, 22,000-plus-square-foot commercial structure encroaches into a 477-square-foot portion of an existing five-foot wide utility easement and a 2,715-square-foot portion of a 50-foot-wide drainage, utility and pedestrian easement necessitating the vacation/release of the portions of the two easements.

Staff circulated the Gateway Center plans and easement release request to all utility suppliers serving the area and having access/use of the easements. Oncor Electric, AT&T and Charter Communications each reported that they have no facilities in the proposed easement release areas, no plans to use the areas and no objection the release of the easement areas. Benbrook Water Authority and Atmos Energy had water mains and gas mains in the requested easement release areas and the requested releases would require the relocation of the affected mains in an approved manner and with all costs underwritten by the developer/applicant and any necessary easements for the relocated mains provided by the applicant. After the relocated mains were completed, accepted and operational, BWA and Atmos had no objection to the release of the two easement areas.

Motion by Mr. Wilson, seconded by Dr. Marshall to adopt Resolution 2017-03 releasing a portion of a five-foot wide utility easement and a portion of a 50-foot wide drainage, utility and pedestrian easement on Lot 3, Block 1, Benbrook EDC Addition and authorizing the Mayor to execute the release of the easements.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2017-03 being **“A RESOLUTION RELEASING A 447-SQUARE-FOOT PORTION OF A FIVE-FOOT WIDE UTILITY EASEMENT AND A 2,715-SQUARE-FOOT PORTION OF A 50-FOOT WIDE DRAINAGE, UTILITY AND PEDESTRIAN EASEMENT BOTH LOCATED IN LOT 3, BLOCK 1, BENBROOK EDC ADDITION ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NUMBER D211125795, PLAT RECORDS OF TARRANT COUNTY, TEXAS AND ALSO BEING IN THE JAMES S. WILBORN SURVEY, ABSTRACT NO. 1680, IN THE CITY OF BENBROOK, TEXAS; DECLARING THAT SUCH EASEMENTS ARE UNNECESSARY FOR USE BY THE PUBLIC; PROVIDING AUTHORITY FOR THE MAYOR TO EXECUTE A RELEASE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”**

VI. INFORMAL CITIZEN COMMENTS

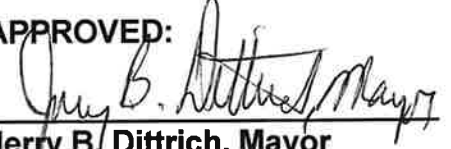
Pauline Vickers and David Killebrew addressed City Council regarding erosion on the rear of their property in the 1800 block of Timberline Drive.

VI. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Franklin reminded citizens of the Household Hazardous Waste/E-Waste event on March 18, 2017 and the American Veterans Traveling Tribute (AVTT) Vietnam Wall from March 30 to April 2, 2017. The AVTT Honor Escort will ride through Benbrook beginning at City Hall to Dutch Branch Park Athletic Complex on March 29, 2017 at 4:00 p.m.

VII. ADJOURNMENT

Meeting adjourned at 8:03 p.m.

APPROVED: 
Jerry B. Dittrich, Mayor

ATTEST: 
Joanna King, City Secretary