



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MARCH 15, 2018**

The regular meeting of the Benbrook City Council was held on Thursday March 15, 2018 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Rickie Allison, Mayor Pro-Tem
Renee Franklin
Larry Marshall
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jim Hinderaker, Assistant City Manager
Sherri Newhouse, Finance Director
Alex Busken, Management Analyst

Others Present:

Bill Smith
Dennis Lindgron
Saraya Kingsley
Paul McCracklin
Gary Corliss
Robert Farrell
Donna Farrell
Mark Xepoleas
and eight other citizens

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Pro-Tem Allison.

II. INVOCATION/PLEDGE OF ALLEGIANCE

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

III. MINUTES

1. Minutes of the regular meeting held March 1, 2018

Motion by Mr. Wilson, seconded by Dr. Marshall to approve the minutes of the regular meeting held March 1, 2018.

Vote on the Motion:

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

Noes: None

Abstain: Mr. Sauma

Motion carries 5-0-1.

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2018-01

Z-18-01

Adopt ordinance rezoning a 2-acre parcel, out of the McKinney & Williams Survey, Abstract 1118, Tract 1D01, from "A" One-Family District to a Multi-Family Planned Development (PD) District for a 25-unit townhome development at 7701 Chapin Road, located between Williams Road and U.S. Highway 377

Jim Hinderaker gave the following report: The item was advertised as a 25-unit townhome development but will actually be a 23-unit development. The property is located at 7701 Chapin Road and is currently zoned "A" One-Family District. The property is located within the NAS Overlay District.

The current Land Use Plan adopted by the City recommends Medium Density Multi-Family, which provides for developments with a net density of 6.25 to 12.5 dwelling units per acre. The "PD" Planned Development District zoning designation is compatible with the surrounding development and zoning districts.

The reason for the "PD" designation instead of a straight multi-family zoning district is because the NAS overlay district which does not allow any residential development. However, the property is surrounded by residential both within the City of Benbrook as well as the City of Fort Worth.

Staff presented the proposal to the Regional Coordination Committee, the recommendation body for any development occurring in the Air Installation Compatible Use Zone. The committee determined that the proposed land use is consistent with the Joint Land Use Study recommendations, however they did place a 30-foot height restriction and a minimum of 30dB sound reduction from the outside

noise level. Once the property is platted there will be a plat note notifying everyone that there is the overlay and a sound reduction requirement.

The Planned Development Standards for the property are:

- Density 12.5 DU/AC
- 1,100 square foot minimum living space
- 30-foot height restriction
- Maximum of 23 units
- Minimum 30dB sound reduction from the outside noise level

All other standards will be meet or exceed the minimum requirements of the applicable ordinances such as:

- Landscaping
- Open Space
- Parking
- Architectural Standards
- Site Plan Approval by Planning and Zoning Commission

The Planning and Zoning Commission held a public hearing on February 8, 2018 and are recommending approval by City Council.

Mayor Pro-Tem Allison declared the public hearing open at 7:39 p.m.

Saraya Kingsley, representative for the applicant was present for questions.

With no other speakers, Mayor Pro-Tem Allison closed the public hearing at 7:40 p.m.

Motion by Dr. Marshall, seconded by Mr. Wilson to adopt Ordinance No. 1422 rezoning a 1.997-acre parcel out of the McKinney & Williams Survey, Abstract 1118, Tract 1D01, from "A" One-Family District, and within the Naval Air Station Overlay District to a Multi-Family Planned Development "PD" District for a 23-unit townhome development.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1422 being "AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 1.997 ACRES OF LAND OUT OF THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1118, TRACT 1D01,

CITY OF BENBROOK, TARRANT COUNTY, TEXAS, FROM “A” ONE-FAMILY DISTRICT TO “PD” MULTI-FAMILY PLANNED DEVELOPMENT DISTRICT FOR A 23-UNIT TOWNHOME DEVELOPMENT 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 A PENALTY CLAUSE; 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 1.997 acres of land out of the McKinney and Williams Survey, Abstract No. 1118, Tract 1D01, also known as 7701 Chapin Road, Benbrook, Texas, and further described in Exhibit A and shown on the attached survey, labeled Exhibit B, from “A” One-Family District to “PD” Multi-Family Planned Development District for a 23-unit townhome development.

SECTION 2

The purpose of this Ordinance is to provide for the appropriate restrictions and development controls beyond those found within the City’s straight zoning districts (e.g. the “C” Multiple-Family, “CR” Multiple-Family Restricted, “D” Multiple-Family, and “NAS” Naval Air-Station districts), thus permitting the development of a multi-family use in a manner that is compatible with surrounding development and in compliance with the City’s Comprehensive Plan and other adopted policies and regulations.

The zoning district changes established by this Ordinance are in accordance with the comprehensive plan of the city and will promote the health, safety, morals and general welfare of the community. The changes have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide for adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration, among other things, of the character of the districts and their peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

SECTION 10

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

**PZ-2018-02
Z-18-02**

Adopt ordinance rezoning 28.687 acres, out of the James F. Elliott Survey, Abstract 495, Tract 1A3 and the Joel Fish Survey, Abstract 1876, Tract 1, from "A-PD" One-Family Planned Development to a "A" One-Family District at 401 Sexton Lane, generally located north of F.M. 2871 and U.S. Highway 377

Jim Hinderaker gave the following report: April 19, 1984 – City Council approved Ordinance No. 674 rezoning the subject property from "SD" Suburban District to "A-PD" One-Family Planned Development. At that time, all Planned Development (PD) approvals required a subsequent site plan submittal and approval to establish development standards unique to the subject property. Unfortunately, the developer never submitted the required site plan and therefore the City has never established development standards for the property. Due to the lack of an approved site plan, the property is effectively without zoning.

To address the problem, the current owner/developer of the property had two options, submit a site plan for review and approval or request a zone change of the property. At Staff's suggestion, the owner/developer chose to seek a rezoning of the property from "A-PD" to "A" One-Family District. Staff rationale for the recommendation is that the applicant's potential site plan application could have opened the door to possible reductions in the city's development standards, whereas the "A" One-Family District zoning standards are fixed and most compatible with surrounding development. The "A" zoning district is the City's most restrictive and lowest density one-family residential "non-estate" zoning district.

The Development Standards for the "A" development include:

- Lot Area – 9,000 square feet
- Lot Width – 75 feet
- Front Yard Setback – 25 feet
- Side Yard Setback – 5 feet with a combined total of 15 feet
- Rear Yard Setback – 20 feet
- Lot Coverage – 40% max.
- Height – 35 feet and not exceed 2 ½ stories

"A" One-Family District zoning designation is compatible with the surrounding development and zoning districts. The rezoning would eliminate the unnecessary "PD" zoning and supports low density zoning.

The Planning and Zoning Commission held a public hearing on the rezoning on February 8, 2018 and recommend approval by City Council.

Mayor Pro-Tem Allison declared the public hearing open at 7:50 p.m.

Paul McCracken was present on behalf of the applicant for any questions.

Gary Corliss, Robert Farrell and Mark Xepoleas all spoke in opposition of the requested rezoning.

Mayor Pro-Tem Allison closed the public hearing at 8:04 p.m.

Following questions from City Council, motion Ms. Franklin, seconded by Mr. Sauma to adopt Ordinance No. 1243 rezoning 28.687 acres out of the James F. Elliott Survey Abstract 495, Tract 1A3 and the Joel Fisher Survey, Abstract 1876, Tract 1, from "A-PD" One-Family Planned Development to a "A" One-Family District at 401 Sexton Lane, generally located north of F.M. 2871 and U.S. Highway 377.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1423 being "AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 28.65 ACRES OF LAND OUT OF THE J.F. ELLIOTT SURVEY, ABSTRACT NUMBER 495 AND THE J. FISH SURVEY, ABSTRACT NUMBER 1876, CITY OF BENBROOK, TARRANT COUNTY, TEXAS, FROM "A-PD" ONE-FAMILY PLANNED DEVELOPMENT DISTRICT TO "A" ONE-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 A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE. "

SECTION 9

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

V. REPORTS FROM CITY MANAGER

G-2343 Accept finance report for period ending February 28, 2018

Sherri Newhouse gave the following report: General Fund revenues for the month of February were \$2,343,980. Property tax collections were \$1,756,718. Sales tax collected in January 2018 but received by the City and recognized as revenue in February 2018 was \$230,346 for the month. General Fund revenues collected through the end of February were \$12,978,787 or 68.52 percent of the budget.

General Fund expenditures for the month of February were \$1,152,146. Expenditures through the end of February were \$6,558,337 or 33.10 percent of the adopted budget.

For the 2017-18 fiscal year-to-date, total General Fund revenues of \$12,978,787 exceed General Fund expenditures of \$6,558,337 by \$6,420,450.

Debt Service revenues collected for the month of February 2018 totaled \$78,873; all revenue was from property taxes. There were no Debt Service expenditures for February. Total revenues for 2017-18 in the amount of \$480,319 were exceeded by total expenditures of \$1,437,015 by \$956,696.

EDC revenues as of February 28, 2018 were \$393,579. Revenue was from the EDC's portion of sales tax and interest on investments. EDC expenditures through the end February were \$208,828. EDC revenues for the year exceed EDC expenditures by \$184,751.

Total revenues received through February 28, 2018 for the Capital Projects Fund were \$208,606 from Stormwater Utility fees and interest earnings. Total expenditures for the Capital Projects Fund were \$1,644,210 through the end of February 2018. February expenses, in the amount of \$316,714, were for the following projects: Sundown Road Drainage, Plantation West Drainage, Timberline Drive Drainage, Stream CF-5 Drainage, Walnut Creek Flood Study, Benbrook Field Drive, Capital Facilities, and Animal Shelter. Total expenditures exceeded total revenues by \$1,435,604. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On February 28, 2018, the City had \$25,628,645 invested at varying interest rates; the EDC had \$6,490,383 available.

Motion by Dr. Marshall, seconded by Mr. Wilson to accept the finance report for the period ending February 28, 2018.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2344 Accept Comprehensive Annual Finance Report for fiscal year ended September 30, 2017

Sherri Newhouse gave the following report: The Finance Department prepared Comprehensive Annual Financial Report (CAFR) for the period ending September 30, 2017, which has been audited by Weaver & Tidwell L.L.P., the City's independent auditor. The Independent Auditor's Report is included on pages 1 – 2 of the CAFR.

The CAFR has three sections: Introductory, Financial, and Statistical. The current CAFR was prepared in accordance with generally accepted accounting principles as prescribed by the Governmental Account Standard Board (GASB). Staff anticipates that the City will receive a Certificate of Achievement for Excellence in Financial Reporting for the thirty-third consecutive year.

General Fund Highlights

General Fund revenues were slightly less than the original budget by \$26,453. Overall, the revenues received in the General Fund for fiscal year 2016-2017 were 99.85% of the original budgeted amount.

General Fund expenditures were less than the original budget of \$17,487,650 by \$466,795, or 2.67%. The Public Safety Departments, who make up over half the City's budget, accounted for nearly 82.95% of the savings. The remaining savings resulted from a combined effort of nearly every department spending less than the budget allocations.

The City's net position (generally assets over liabilities) was \$62,642,893 at the close of business on September 30, 2017 as compared to the prior year's total of \$63,002,381. Unrestricted General Fund reserves are \$8,315,151.

Motion by Mr. Washburn, seconded by Ms. Franklin to accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2017.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-2345 Adopt Resolution authorizing continued participation in Atmos
Cities Steering Committee**

Sherri Newhouse gave the following report: The City of Benbrook is a member of the 174-member city coalition known as the Atmos Cities Steering Committee ("ACSC"). ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rate charged by Atmos.

The ACSC undertakes these activities on behalf of municipalities and requires funding support from its members. The assessment of a two cent (\$0.02) per capita fee to fund Benbrook's share of the activities of the ACSC. For 2018, the City of Benbrook's assessment is \$458.96 based on a population of 22,948.

Motion by Mr. Sauma, seconded by Mr. Washburn to adopt Resolution 2018-03 authorizing the continued participation in Atmos Cities Steering Committee and authorize the payment of \$458.96 to the Atmos Cities Steering Committee.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution 2018-03 being **"A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF TWO CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION."**

VI. INFORMAL CITIZEN COMMENTS

Mark Xepoleas, Robert Farrell and Donna Farrell spoke expressing opposition to the development at 401 Sexton Lane.

VII. COUNCIL MEMBER AND STAFF COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 8:37 p.m.

APPROVED:



Jerry B. Dittrich, Mayor

ATTEST:



Joanna King, City Secretary