

**NOTICE IS HEREBY GIVEN** in accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Benbrook will conduct its Regular Meeting scheduled for **7:30 p.m.** on **Thursday February 4, 2021**, in the City Council Chambers, 911 Winscott Road, Benbrook, Texas by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). While this meeting is open to the public, social distancing will be enforced.

*For this meeting, the presiding officer will be physically present at the location described above. However, one or all other members of the City Council may participate in this meeting remotely through telephone conference providing for two-way audio communication for each member of the City Council.*

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <http://www.benbrook-tx.gov/AgendaCenter>.

The public toll-free dial-in number to participate in the telephonic meeting is: **1-866-894-9011** or local number **817-443-6248**.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. This meeting will be recorded, and the recording will be available to the public in accordance with the Open Meetings Act upon written request.

## **AGENDA**

**BENBROOK CITY COUNCIL  
THURSDAY, FEBRUARY 4, 2021  
911 WINSOTT ROAD, BENBROOK, TEXAS  
PRE-COUNCIL WORKSESSION 7:00 P.M.  
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. CITIZEN COMMENTS ON ANY AGENDA ITEM
- III. MINUTES
  - 1. Approve Minutes Of The Regular Meeting Held January 21, 2021

Documents:

[CC MINUTES-01-21-21.PDF](#)

- IV. PRESENTATION BY MAYOR AND MEMBERS OF COUNCIL

CC-2021-02 Adopt Resolution Calling Bond Election For May 1, 2021 (Adoptar Resolución Que Llama A La Elección De Bonos Para El 1 De Mayo De 2021) (Thông Qua Nghị Quyết Kêu Gọi Bầu Cử Tráí Phiếu Cho Ngày 1 Tháng 5 Năm 2021)

Documents:

[CC-2021-02 RESOLUTION CALLING BOND ELECTION.PDF](#)

CC-2021-03 Accept Resignation From Hunter Brauer, Place 7 Planning And Zoning Commission And Determine Method To Fill Vacancy

Documents:

[CC-2021-03 MEMO CC PZ VACANCY.PDF](#)

[CC-2021-03 RESIGNATION - HUNTER BRAUER.PDF](#)

## V. REPORTS FROM CITY MANAGER

### A. GENERAL

Adopt Ordinance Amending Title 16-Subdivisions Of The Benbrook Municipal Code (1985), As Amended, By Amending Section 16.28.010.E-Exemptions By Adding "City Incentivized Development Activities" To The List Of Items Exempt From The Requirements Of Section 16.28.010-Preservation Of Trees And Native Vegetation

Documents:

[G-2501 TEXT AMENDMENT TITLE 17 SUBDIVISION.PDF](#)

[G-2501 ORDINANCE TEXT AMENDMENT TITLE 17 SUBDIVISIONS.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 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



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, JANUARY 21, 2021**

The regular meeting of the Benbrook City Council was held on January 21, 2021 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jerry Dittrich, Mayor  
Renee Franklin-via Telephone Conference  
Larry Marshall- via Telephone Conference  
Dustin Phillips-via Telephone Conference  
Alfredo Valverde-via Telephone Conference  
Laura Mackey-via Telephone Conference  
Jason Ward-via Telephone Conference

Also Present:

Jim Hinderaker, Assistant City Manager  
Joanna King, City Secretary  
Rick Overgaard, Finance Director  
Beth Fischer, Deputy City Secretary

Others:

Two citizens

**I. CALL TO ORDER**

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

**II. CITIZEN COMMENTS ON ANY AGENDA ITEM**

Mayor Dittrich paused the meeting for citizen comments on any agenda item via telephone call. There were no callers.

**III. MINUTES**

**1. Minutes of the regular meeting held January 7, 2021**

Motion by Dr. Marshall, seconded by Mr. Valverde to approve the minutes of the regular meeting held January 7, 2021.

Vote on the Motion by Roll Call:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Valverde, Ms. Mackey, Mr. Ward

Noes: None

Motion carried unanimously.

#### **IV. CITIZEN PRESENTATION**

##### **1. Edward Brown – Past documented actions of Mr. Valverde**

Mayor Dittrich announced that Mr. Brown has removed the item from the agenda.

#### **V. REPORTS FROM CITY MANAGER**

##### **A. GENERAL**

##### **G-2498 Accept finance report for period ending December 31, 2020**

Rick Overgaard gave the following report: General Fund revenues for the month of December were \$6,532,307. Major revenues collected for the month include Property taxes of \$6,071,545, Franchise taxes of \$29,699, Permits of \$28,425, Fines and Forfeitures of \$42,036, and Charges for Services of \$93,295. Sales tax collected and recognized as revenue in December was \$256,790. Fiscal year to date sales tax is \$810,334, an increase of 1.48% over last year at this time. General Fund revenues collected through the end of December were \$8,757,211 and 41.2% of the budget.

General Fund expenditures for the month of December were \$1,294,734. Fiscal year to date expenditures were \$4,222,901 and 19.9% of the adopted budget.

Total General Fund revenues of \$8,757,211 were more than General Fund expenditures of \$4,222,901 by \$4,534,310.

Debt Service revenues for the month of December totaled \$211,974 and were all from property tax. There were no expenditures in December. The next debt service payments are due February 1, 2021.

EDC revenues through December 31, 2020, were \$419,049. EDC expenditures through the end of December were \$199,139. Total revenues exceeded total expenditures by \$219,910.

Total revenues received through December 31, 2020 were \$277,547 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$1,082,517 through the end of December. December expenditures included the Westpark and Winchester Fence, Vista Way Two-Way Conversion, and Clearfork Emergency Access Bridge. Total expenditures exceeded total revenues by \$804,970. Sufficient funds are available in the current fund balances of the Capital Projects Fund and are earmarked for the City's capital projects. This fund operates on a project basis rather than a specific fiscal year.

On December 31, 2020, the City had \$18,427,431 invested at varying interest rates; the EDC had \$4,983,583 available. The City's cash balance will increase as the majority of property taxes are collected in January.

Motion by Ms. Franklin, seconded by Mr. Ward to accept the finance report for the period ending December 31, 2020.

Vote on the Motion by Roll Call:

Ayes: Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Valverde, Ms. Mackey, Mr. Ward, Ms. Franklin

Noes: None

Motion carried unanimously.

**G-2499      Approve Investment Report for period ending December 31, 2020**

Rick Overgaard gave the following report: The Public Funds Investment Act (PFIA), Texas Government Code and the City's Investment Policy require that an Investment Report be presented to City Council.

The Investment Committee met on January 13, 2021, to review the report and ensure compliance with the City's investment policy.

- The total portfolio for the City and EDC at December 31, 2020 is \$23,411,014, with 79% or \$18,427,431 belonging to the City, and 21% or \$4,983,583 to the EDC.
- 34% of the combined portfolio is in bank accounts, with 46% in local government investment pools, and 20% in certificates of deposit.
- The weighted average maturity on the combined portfolio is 29 days with a .30% average yield to maturity.

The average yield to maturity decreased this quarter because of continued low market interest rates, decreased yield in our local government investment pools, and previously owned higher yielding CD's that have matured.

Motion by Dr. Marshall, seconded by Mr. Valverde to accept the Investment Report for the quarter ending December 31, 2020.

Vote on the Motion by Roll Call:

Ayes: Mr. Phillips, Mayor Dittrich, Mr. Valverde, Ms. Mackey, Mr. Ward, Ms. Franklin, Dr. Marshall

Noes: None

Motion carried unanimously.

## **G-2500      Adopt updates to the Capital Improvements Program**

Jim Hinderaker gave the following report: The Capital Improvements Program (CIP) is a forecast and schedule of public physical improvements for the next five years and beyond. The City Charter requires that the CIP be updated on an annual basis. The CIP is dynamic and may change over time based on community needs, citizen expectations and unanticipated strategic opportunities. The CIP will be added as an appendix in the Comprehensive Plan.

The changes included in this year's plan include:

1. Updated project information
2. Updated cost estimates in 2021 dollars

### **Community Facilities and Equipment**

The CIP includes plans for a new \$22.0 million Municipal Complex to house the Police Station, Senior Citizen's Center, Municipal Court, City Hall Offices, and a Visitor's Center. In FY 2019-20, City Council authorized the purchase of new 2020 Spartan Gladiator chassis ladder fire truck with expected delivery in FY 2020-21. Future projects include the purchase of a new 2021 model year 10 cubic-yard dump truck for Public Services and the bi-annual purchase of a replacement ambulance.

### **Streets and Thoroughfares**

Streetlight and sidewalk installation are anticipated to be completed in FY 2020-21 along Crosslands Road between Bellaire Drive and approximately 420 feet north of Southwest Boulevard with funding from the 45<sup>th</sup> Year Community Development Block Grant (CDBG). Sidewalk installation is proposed along the north side of Bellaire Drive between Crosslands Road and Watercourse Drive, and along the east side of Crosslands Road between Creekwood Drive and Southwest Boulevard, with funding from the 47<sup>th</sup> Year CDBG program. No projects have been identified for the 49<sup>th</sup> or 51<sup>st</sup> CDBG program years.

The Vista Way to Benbrook Boulevard Connection and I-20 Service Road Two-Way Conversion project provides an additional crossing under I-20 and another connection to Benbrook Boulevard. The project includes a two-way conversion of the I-20 Service Road. Engineering plans are 90% complete and have been submitted to TxDOT and Union Pacific Railroad for review. The project is funded through the Tax Increment Finance District. The CIP cost estimate is for roadway improvements only. Right-of-way acquisition costs are not included.

The CIP includes an annual expenditure starting at \$800,000 and increasing to \$1,000,000 by FY 2021-22 to fund the annual street overlay program. Tarrant County furnishes all equipment and labor necessary to overlay approved street segments provided the City pays the cost of all necessary materials and traffic control.

## **Drainage Facilities**

The CIP includes a multi-year storm drain assessment to evaluate the condition of all the existing storm drain system in the City. The CIP also includes a number of drainage projects over the next five years. Proposed projects include:

1. FY 2021-22: Westerly Ditches Drainage Improvements
2. FY 2022-23: Southside/Dawn Plantation West Drainage Improvements
3. FY 2022-23: Dutch Branch Park Low Water Crossing
4. FY 2023-24: Dutch Branch Park Drainage Improvements
5. FY 2024-25: Timberline Drainage Project

Funding for all drainage projects is from the Storm Water Utility Fund.

Motion by Mr. Valverde, seconded by Mr. Phillips to adopt the revised Capital Improvements Program as presented.

Vote on the Motion by Roll Call:

Ayes: Mayor Dittrich, Mr. Valverde, Ms. Mackey, Mr. Ward, Ms. Franklin, Dr. Marshall, Mr. Phillips

Noes: None

Motion carried unanimously.

## **VI. INFORMAL CITIZEN COMMENTS**

Mayor Dittrich paused the meeting for any informal citizen comments via telephone conference. There were no callers.

## **VII. COUNCIL MEMBER AND STAFF COMMENTS**

Jim Hinderaker gave report on COVID-19.

## **VIII. ADJOURNMENT**

Meeting adjourned at 7:59 p.m. followed by Worksession to review new Commercial/Residential Development throughout the City.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**

**CERTIFICATE FOR RESOLUTION**

THE STATE OF TEXAS  
TARRANT COUNTY  
CITY OF BENBROOK

We, the undersigned officers of the City Council of the City of Benbrook hereby certify as follows:

1. The City Council of said City convened in a regular meeting on February 4, 2021, at the regular designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Dr. Jerry Dittrich; Mayor; Place 1	Renee Franklin; Place 2
Dr. Larry Marshall; Place 3	Dustin Phillips; Place 4
Alfredo Valverde; Place 5	Laura Mackey; Place 6
Jason Ward; Place 7	

and all of said persons were present except \_\_\_\_\_ thus constituting a quorum. Whereupon, among other business the following was transacted at said Meeting: a written

**RESOLUTION CALLING A BOND ELECTION**

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried, with all members of said City Council shown present above voting "Aye," except as noted below:

NAYS: \_\_\_\_\_ ABSTENTIONS: \_\_\_\_\_

2. A true, full, and correct copy of the aforesaid Resolution passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in said City Council's minutes of said Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and that said Meeting was open to the public, and public notice of the time, place, and purpose of said Meeting was given all as required by the Texas Government Code, Chapter 551.



3. The City Council has approved and hereby approves the Resolution; and the Mayor and City Secretary hereby declare that their signing of this certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED ON FEBRUARY 4, 2021

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Joanna King; City Secretary

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Dr. Jerry Dittrich; Mayor

(CITY SEAL)

## RESOLUTION CALLING A BOND ELECTION

THE STATE OF TEXAS  
TARRANT COUNTY  
CITY OF BENBROOK

WHEREAS, the City Council (the "*Council*") of the City of Benbrook, Texas (the "*City*") deems it advisable to call the bond election hereinafter ordered (the "*Election*"); and

WHEREAS, the bond referendum is held in accordance with the provisions of Chapter 1251, Texas Government Code, and various provisions of the Texas Election Code (the "*Code*"), including Section 42.002 of the Code, and the City is contracting with Tarrant County, Texas (the "*County*") for the administration of the Election pursuant to an interlocal agreement with the County (the "*Election Contract*"); and

WHEREAS, the County, acting through the Tarrant County Elections Administrator (the "*Elections Administrator*") in accordance with the Election Contract, will provide for the administration of the Election for residents of the City; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENBROOK:

**Section 1.** The statements contained in the preamble of this Resolution are true and correct and adopted as findings of fact and operative provisions hereof.

**Section 2.** *Election Ordered; Polling Places.* The Election shall be held in the City between the hours of 7:00 a.m. and 7:00 p.m. on May 1, 2021 ("*Election Day*"). The Election is to be conducted with, and administered by, Tarrant County, as provided by Chapter 271 of the Texas Election Code (the "*Code*"), and the Election Contract. Voting for the Election on Election Day and Early Voting shall occur on the dates and during the hours and at the designated polling places as set forth in Exhibit "A" attached hereto, which exhibit is hereby made a part hereof for all intents and purposes. Exhibit "A" shall be modified to include additional or different Election Day polling places required to conform to the Election Contract and the Code.

**Section 3.** *Early Voting.* Early voting shall be administered by Tarrant County. Early Voting by personal appearance shall begin on April 19, 2021 and conclude on April 27, 2021, and will be conducted at the Early Voting locations on the dates and at the times specified in Exhibit "A" attached hereto. The early voting polling places shall remain open during such hours for early voting by personal appearance for any registered voter of the City at such voting place. Exhibit "A" shall be modified to include additional or different early voting polling places required to conform to the Election Contract and the Code.

**Section 4.** *Election Officials.* The appointment of the Presiding Election Judges, Alternate Judges, Early Voting Clerks, the Presiding Judge of the early ballot board and other election officials for the Election shall be made by the Election Coordinator, as applicable, in accordance with the Election Contract and the Code. The Elections Coordinator may employ other personnel necessary for the proper administration of the Election, including such part-time help as is necessary to prepare for the Election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station.

**Section 5.** *Voting by Mail.* Applications for voting by mail for all residents of the City shall submitted by personal delivery or shall be mailed to the address below prior to the deadline prescribed by law:

Postal Mail:	Tarrant County Elections Center PO Box 961011 Fort Worth, Texas 76161-0011
Commercial Carrier or Personal Delivery	Tarrant County Elections Center 2700 Premier Street Fort Worth, TX 76111
Telephone	(817) 831-8683
Fax	(817) 850-2344
Email	votebymail@tarrantcounty.com

**Section 6.** *Early Voting Ballots.* An Early Voting Ballot Board shall be created to process early voting results of the Election, and the Presiding Judge of the Early Voting Ballot Board shall be designated by the Elections Coordinator. The Presiding Judge of the Early Voting Ballot Board shall appoint two or more additional members to constitute the Early Voting Ballot Board members and, if needed, the Signature Verification Committee members required to efficiently process the early voting ballots.

**Section 7.** *Qualified Voters.* All qualified electors of and residing in the City, shall be entitled to vote at the election.

**Section 8.** *Proposition.* At the Election the following PROPOSITION shall be submitted in accordance with law:

CITY OF BENBROOK SPECIAL ELECTION  
CITY OF BENBROOK PROPOSITION A

Shall the City Council of the City of Benbrook, Texas, be authorized to issue and sell bonds in the aggregate principal amount of \$22,000,000, for the public purpose of constructing, improving and equipping a new municipal building for the police department, senior citizen center, municipal court, and city administration offices, and necessary demolition of existing facilities for such purpose, with said bonds to be issued in one or more series, to mature serially or otherwise not to exceed thirty years from their date, and bear interest at such rate or rates, not to exceed the limits prescribed by law at the time of issuance, and to be sold at such prices or rates, as

the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

**Section 9. Ballots.** The official ballots for the Election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITION with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

CITY OF BENBROOK SPECIAL ELECTION  
CITY OF BENBROOK PROPOSITION A

FOR	_____	)	THE ISSUANCE OF \$22,000,000 BONDS FOR A NEW
		)	MUNICIPAL BUILDING FOR THE POLICE DEPARTMENT,
		)	SENIOR CITIZEN CENTER, MUNICIPAL COURT, AND CITY
		)	ADMINISTRATION OFFICES, AND NECESSARY DEMOLITION
AGAINST	_____	)	OF BUILDINGS FOR SUCH PURPOSE. TAXES SUFFICIENT TO
		)	PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL
		)	BE IMPOSED.

**Section 10. Compliance with Federal Law.** In all respects, the Election shall be conducted in accordance with the Code. Pursuant to the federal Help America Vote Act ("HAVA") and the Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Code. The City hereby finds that the voting system to be used by the Election Coordinator in administering the Election is such a system, and orders that such voting equipment or other equipment certified by the Texas Secretary of State shall be used by the City in its elections.

**Section 11.** The City Council hereby authorizes the Mayor, Mayor Pro Tem, City Secretary or the City Manager of the City to execute or attest on behalf of the City the Election Contract with the County.

**Section 12.** The following information is provided in accordance with the provisions of Section 3.009(b), Texas Election Code.

- (a) The proposition language that will appear on the ballot is set forth in Section 9 hereof.
- (b) The purpose for which the bonds are to be authorized is set forth in Section 8 hereof.
- (c) The principal amount of the debt obligations to be authorized is \$22,000,000 for Proposition A.

(d) If the bonds are approved by the voters, the City Council will be authorized to levy annual ad valorem taxes, on all taxable property in the City, sufficient, within the legal limit prescribed by law, to pay the principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds.

(e) Based upon the bond market conditions at the date of adoption of this Resolution, the maximum interest rate for any series of the bonds is estimated to be 5.00%. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds or notes, or any series thereof, may be sold.

(f) If the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed thirty years from the date of issuance of each series of bonds.

(g) The aggregate amount of the outstanding principal of the City's debt obligations as of the date of this Resolution is \$3,990,000.00.

(h) The aggregate amount of the outstanding interest of the City's debt obligations as of the date of this Resolution is \$195,630.00.

(i) The ad valorem debt service tax rate for the City as of the date of this Resolution is \$0.0210 per \$100 of taxable assessed valuation.

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**EXHIBIT A**

**Early Voting Location Dates and Times**  
**Lugar, fechas y horarios de votación anticipada**

Tarrant County Early Voting 600 West Weatherford Street Fort Worth, Texas 76102	Benbrook Community Center 228 San Angelo Avenue Benbrook, Texas 76126
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April 19-23	Monday-Friday	8:00 AM – 5:00 PM
April 24	Saturday	7:00 AM – 7:00 PM
April 25	Sunday	11:00 AM – 4:00 PM
April 26-27	Monday-Tuesday	7:00 AM – 7:00 PM

**Election Day Location Date and Times**  
**Lugar, fecha y horarios del Día de Elección.**

Polls open from 7:00 am to 7:00 pm  
*Las casillas abren de 7:00 am a 7:00 pm*

Benbrook Community Center  
228 San Angelo Avenue  
Benbrook, Texas 76126

**Voter Information Document – City of Benbrook Special Election**  
**Proposition A**

The following information is prepared to comply with Tex. H.B. 477 86<sup>th</sup> Leg., R.S. (2019) and is for illustration purposes only. The information is not a part of the proposition to be voted on and does not create a contract with the voters.

At the Election, the following language will appear on the ballot:

CITY OF BENBROOK SPECIAL ELECTION  
CITY OF BENBROOK PROPOSITION A

FOR	_____	) THE ISSUANCE OF \$22,000,000 BONDS FOR A NEW MUNICIPAL
		) BUILDING FOR THE POLICE DEPARTMENT, SENIOR CITIZEN
		) CENTER, MUNICIPAL COURT, AND CITY ADMINISTRATION
AGAINST	_____	) OFFICES, AND NECESSARY DEMOLITION OF BUILDINGS FOR
		) SUCH PURPOSE. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF
		) AND INTEREST ON THE BONDS WILL BE IMPOSED.

The following table sets forth the estimated principal amount of, and interest due to maturity on, the bonds to be issued if Proposition A passes, and all outstanding obligations of the City secured by and payable from ad valorem taxes.

Principal Amount of Bonds to be authorized	Estimated interest for Bonds to be authorized <sup>(1)</sup>	Estimated combined principal and interest required to pay on time and in full the Bonds to be authorized <sup>(1)</sup>	Principal of City’s Existing Outstanding Debt  (as of 2/4/21)	Remaining interest on City’s Existing Outstanding Debt  (as of 2/4/21)	Combined Principal and Interest to timely pay City’s Outstanding Debt  (as of 2/4/21)
\$22,000,000	\$10,203,257	\$32,203,257	\$3,990,000	\$195,630	\$4,185,630

(1) The interest on the proposed bonds was estimated at a rate of 5.00% based on market conditions as of February 4, 2021, and therefore, the interest payable on the proposed bonds may be less than, or more than, the amounts set forth above based on market conditions at the time of sale of the proposed bonds.

Based on the information and assumptions provided in the table above, the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the City with a taxable appraised value of \$100,000 to repay the proposed bonds, if approved, is \$0.00. This estimate assumes annual growth of City’s taxable assessed valuation at a rate of 2% per year through tax year 2022, and holds the City’s taxable assessed valuation constant thereafter. The estimated “no tax increase” stated above assumes that the proposed bonds will be issued in an amortization that will produce relatively consistent levels of debt service in each year.



Memo To: Mayor Dittrich and Members of City Council  
From: Joanna King, City Secretary  
Subject: Appointment to Boards and Commissions  
Resignation Hunter Brauer, Place 7, Planning and Zoning  
Commission  
Date: February 4, 2021

On January 21, 2021, the City Secretary received the resignation from Hunter Brauer, Place 7 on the Planning and Zoning Commission.

Mr. Brauer was appointed to Place 7 in February 2020 to fill a vacancy in a term to expire on December 30, 2021.

The normal process for advertising and receiving applications for various City Boards and Commissions begins in September of each year. Appointments will then be made in December.

Because the resignation of Mr. Brauer will leave a term of almost a full year, it is recommended that City Council authorize staff to seek applications from interested citizens.

Following an appropriate deadline for applications submittals, staff will then schedule interview sessions with City Council for the future appointment.



## Joanna King

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**From:** Joanna King  
**Sent:** Thursday, January 21, 2021 1:15 PM  
**To:** Joanna King  
**Subject:** FW: P&Z Place 7

**From:** Hunter Brauer  
**Sent:** Thursday, January 21, 2021 12:07 PM  
**To:** Caroline Stewart; Doug Howard  
**Subject:** P&Z Place 7

**Notice: EXTERNAL EMAIL! Phishing = #1 threat to Cyber Security. Is this a phishing email? – Look again!**

Doug and Caroline,

I have some unfortunate news. I've had a job opportunity come up very recently, as of last Friday, and it would require me to move to Las Vegas temporarily for a year. I've formally accepted the offer and wanted to let you know. It was a job opportunity I applied for at the end of 2020 and thought I had no chance so it was something I wasn't preparing for.

That being said, I really appreciate and am thankful for the opportunity to serve for the little bit of time I was able to. Please let me know if there is anything you need from me or need me to do to help you guys with the transition process to a new commissioner. We will be moving February 12th so I will be around until then. I look forward to coming back to the area next year and hopefully having the opportunity at some point to serve again in the near future!

I wish you all the best and it was a pleasure getting to know each of you.

Sincerely,  
Hunter Brauer



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE:  02/04/2021	REFERENCE NUMBER:  G-2501	SUBJECT:  Adopt Ordinance amending Title 16-Subdivisions of the Benbrook Municipal Code (1985), as amended, by amending Section 16.28.010.E-Exemptions by adding "city incentivized development activities" to the list of items exempt from the requirements of Section 16.28.010-Preservation of Trees and Native Vegetation.	PAGE:  1 of 1
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Section 16.28.010 – Preservation of Trees and Native Vegetation of the Benbrook Municipal Code, initially codified in June 2002 and as amended over the years, provides for the preservation and mitigation of trees, tree stands and existing tree canopies. While this section exempts a number of municipal related development activities (e.g. removal of trees within rights-of-way, utility and drainage easements, capital improvement projects, or situations deemed hazardous), the exemption provisions do not extend to City incentivized development.

Under current tree mitigation regulations, the City, via the Benbrook Economic Development Corporation, is essentially required to pay itself for the removal of any protected tree. The proposed amendment will eliminate this constraint but require approval from both the Benbrook Economic Development Corporation and City Council via an approved development agreement that may incorporate tree preservation/mitigation criteria specific to the proposed development.

Staff recommends that the following underlined language be added to Section 16.28.010.E. No language is proposed to be removed.

E. Exemptions. The following activities are exempt from the regulations of this chapter.

- 16. Incentivized development activities pursuant to a Benbrook Economic Development Corporation and City Council approved development agreement.

### **RECOMMENDATION**

Staff recommends that the City Council adopt the proposed amendment to the Subdivision Ordinance.

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

## ORDINANCE NO. 1464

**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING SECTION 16.28.010.E – EXEMPTIONS, SECTION 16.28.010 - PRESERVATION OF TREES AND NATIVE VEGETATION, CHAPTER 16.28 - DESIGN STANDARDS AND REQUIREMENTS, TITLE 16 - SUBDIVISIONS OF THE BENBROOK MUNICIPAL CODE, BY EXEMPTING CITY APPROVED INCENTIVIZED DEVELOPMENT ACTIVITIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Chapter 212 of the Local Government Code authorizes municipalities to regulate the subdivision and development of land within its corporate limits and extraterritorial jurisdiction for the purpose of promoting health, safety and welfare of the community and the provisions of adequate public facilities; and

**WHEREAS**, the City seeks to grant the Benbrook Economic Development Corporation, as economic development incentive tool, the authority to waive tree preservation & mitigation requirements; and

**WHEREAS**, the City Council will retain final authority to approve, deny or amend as deemed appropriate any Benbrook Economic Development Corporation approved incentive; and

**WHEREAS**, the City Council now deems it necessary to amend Section 16.28.010.E – Exemptions, Section 16.28.010 – Preservation of Trees and Native Vegetation, Chapter 16.28 – Design Standards and Requirement, Title 16 – Subdivisions of the Benbrook Municipal Code by adding “incentivized development activities” to the list of exempt activities included in Section 16.28.010.E of the Benbrook Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:**

### SECTION 1

That Section 16.28.010.E – Exemptions, Section 16.28.010 – Preservation of Trees and Native Vegetation, Chapter 16.28 – Design Standards and Requirement, Title 16 – Subdivisions of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety<sup>1</sup> as follows:

E. Exemptions. The following activities are exempt from the regulations of this chapter.

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<sup>1</sup> *inclusions underlined and deletions crossed out; however, no language was deleted by this ordinance*

1. Developments that have a completed application on file for a preliminary or final plat or building permit, whichever is applicable, as of the effective date of the ordinance codified in this section.
2. Any development for which construction has begun on infrastructure improvements pursuant to a city-approved development agreement as of the effective date of the ordinance codified in this section.
3. Removal of any tree located on a property of less than one acre on which a one-family or two-family dwelling exists.
4. Removal of a tree that is less than ten-inch dbh and located on a property of one acre or more on which a one-family or two-family dwelling exists.
5. Removal of a tree located within the visibility triangle as defined on a plat of record or under Section 16.28.020(C) of the subdivision ordinance.
6. Public utilities may be exempted from these requirements upon filing a route plan prior to the removal of trees or initiation of construction that satisfactorily demonstrates that the proposed installation lies within an existing easement recorded prior to the effective date of the ordinance codified in this section.
7. Public utilities have the right to trim, cut and/or remove any trees that:
  - a. Interfere with or encroach upon the operations of existing public utilities; or
  - b. Create a safety issue for utility crews; or
  - c. Create a safety issue for the public.
8. Nursery trees that are planted and growing on the premises of a wholesale nursery that are intended for sale in the ordinary course of business.
9. Any tree determined by a qualified professional (certified arborist, registered landscape architect, or qualified botanist) to be diseased, dying, dead, creating a public nuisance or damaging a foundation.
10. Any tree determined to be causing a danger or be in a hazardous condition as a result of a natural event such as a tornado, storm, or flood that endangers the public health, welfare or safety and requires immediate removal.
11. Clearing of understory trees and brush necessary to perform soil borings, boundary surveying of real property or to conduct tree surveys and inventories as long as the clearing for surveying shall not exceed a width of two feet for a general survey (i.e., of easement boundary, etc.) and eight feet for a survey of property boundary lines. No tree having a ten-inch dbh or greater shall be removed under this exemption.
12. Capital improvement projects.
13. Removal of any trees located within the right-of-way and the adjacent utility easements.
14. Removal of any trees located within drainage facilities (easements and detention ponds) as defined on a plat of record.

15. Exemptions made as a result of an appeal or an application for relief as specified in subsection K of this section.
16. Incentivized development activities pursuant to a Benbrook Economic Development Corporation and City Council approved development agreement.

## **SECTION 2**

That all other provisions of Section 16.28.010 – Preservation of Trees and Native Vegetation, Chapter 16.28 – Design Standards and Requirement, Title 16 – Subdivisions of the Benbrook Municipal Code (1985), not included in this amendment, shall remain in full force and effect, save an except for necessary modifications to the “Table of Contents” affecting page numbering, and for necessary modifications to related terminology or phrases that have been modified by this amendment that will affect a similar modification to interrelated terminology and phrases cross-referenced in other Chapters in the Benbrook Municipal Code.

## **SECTION 3 CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 4 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and Sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or Section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or Section.

## **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 (\$2,000.00) 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. Nothing herein shall affect any minimum fine prescribed by any ordinance of the city and any such minimum fine shall remain unchanged.

**SECTION 6  
SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7  
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 8  
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 9  
PUBLICATION IN OFFICIAL NEWSPAPER**

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  
EFFECTIVE DATE**

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

**PASSED AND APPROVED** this 4th day of February 2021.

\_\_\_\_\_  
Jerry B. Dittrich Mayor

**ATTEST:**

\_\_\_\_\_  
Joanna King, City Secretary

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_