



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, JANUARY 20, 2022**

The regular meeting of the Benbrook City Council was held on January 20, 2022 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jason Ward, Mayor  
Renee Franklin  
Larry Marshall  
Dustin Phillips

Also Present:

Andy Wayman, City Manager  
Jim Hinderaker, Assistant City Manager  
Bennett Howell, Public Service Director  
Rick Overgaard, Finance Director  
Beth Fischer, Deputy City Secretary  
Jared DeVries, Management Analyst

Others:

Pastor Todd Pylant  
Miles Terry  
Michele Wheeler  
Michael Flowers  
Josh Harville  
Greg and Donna Clem  
Linda Daniel and Mr. Daniel  
Janice Howe  
Jim Wilson  
Terri Davis  
and 1 other citizen

**I. CALL TO ORDER**

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

**II. INVOCATION/PLEDGE OF ALEGIANCE**

Invocation was given by Pastor Todd Pylant with First Baptist Church of Benbrook. The Pledge of Allegiance was recited.

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

#### IV. MINUTES

##### 1. Approve minutes of the regular meeting held January 6, 2022

Motion by Dr. Marshall, seconded by Ms. Franklin to approve the minutes of the regular meeting held January 6, 2022.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

#### V. PRESENTATION BY PLANNING AND ZONING COMMISSION

##### **PZ-2022-01 Z-21-02/CP-21-02**

**Adopt Ordinance rezoning approximately 69 acres out of the James Cambo Survey Abstract No. 362 and John Laneri Survey Abstract No. 1964 from "F" Commercial, "G" Commerce, "H" Industrial, to "G-PD" Commerce Planned Development District, providing for supplemental regulations to the "G" Commerce zoning district regulations and uses. The applicant is also requesting to amend the Benbrook Comprehensive Plan's future land use map designations for this area, consistent with the rezoning request. The property is generally east of Winscott Road and north of I.H. 20/820. (Public Hearing)**

Jim Hinderaker gave the following report: The applicant is requesting a Future Land Use Map amendment and zoning change involving approximately 69 acres, located northeast of Winscott Road and I.H. 20/820. The property is owned by the Edwards Family and the developer is Jackson Shaw.

The applicant is requesting the rezoning of the existing F-Commercial and G-Commerce to G-PD Commerce Planned Development. The request is also to rezone the H-Industrial to G-PD Commerce Planned Development.

The proposed ordinance establishes the "G" Commerce District as the base or underlying zoning district for the entire planned development boundary area, which means that all existing use, dimensional, development, and other standards of the Benbrook Municipal Code, as may be amended, for the "G" Commerce District apply to the property. There are two additional permitted uses:

- Indoor manufacturing and production
- Limited outdoor storage (must meet screening standards)

There are also minor changes for parking, maximum height, screening and signage.

The Regional Coordination Committee serves as a recommendation body for any development occurring in the Air Installation Compatible Use Zone (AICUZ). A portion of the property lies within the Day-Night-Level (DNL) 65 noise zone and the RCC discourages any new residential development. The committee has provided staff a letter of support for the rezoning request.

Mayor Ward opened the public hearing at 7:40 p.m.

No one spoke to the item.

Mayor Ward closed the public hearing at 7:41 p.m.

Motion by Dr. Marshall, seconded by Mr. Phillips to adopt Ordinance No. 1478 rezoning approximately 69 acres out of the James Cambo Survey Abstract No. 362 and John Laneri Survey Abstract No. 1964 from "F" Commercial, "G" Commerce, "H" Industrial, to "G-PD" Commerce Planned Development District, providing for supplemental regulations to the "G" Commerce zoning district regulations and uses.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

**Ordinance No. 1478 being "AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, REZONING 69.394 ACRES OF LAND OUT OF THE J. CAMBO SURVEY ABSTRACT NO 362 AND J. LANERI SURVEY ABSTRACT NO 1964, CITY OF BENBROOK, TARRANT COUNTY, TEXAS, FROM "F" COMMERCIAL, "G" COMMERCE AND "H" INDUSTRIAL DISTRICTS TO "G-PD" COMMERCE PLANNED DEVELOPMENT DISTRICT; AMENDING THE OFFICIAL ZONING AND FUTURE LAND USE MAPS TO REFLECT THE CHANGE; 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. "**

#### **SECTION 8 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 13 EFFECTIVE DATE**

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

## **VI. REPORTS FROM CITY MANAGER**

### **A. GENERAL**

#### **G-2548      Accept Finance Report for period ending December 31, 2021**

Rick Overgaard gave the following report: General Fund revenues for the month of December were \$7,478,777. Major revenues collected for the month include Property taxes of \$6,874,592, Franchise taxes of \$17,988, Permits of \$59,437, Fines and Forfeitures of \$58,347, and Charges for Services of \$155,088. Sales tax collected and recognized as revenue in December was \$294,726. Fiscal year to date sales tax is \$910,543, an increase of 12.37% over last year at this time. General Fund revenues collected through the end of December were \$9,748,695 and 35.0% of the budget.

General Fund expenditures for the month of December were \$1,265,829. Fiscal year to date expenditures were \$3,991,592 and 18.7% of the adopted budget.

Total General Fund revenues of \$9,748,695 were more than total General Fund expenditures of \$3,991,592 by \$5,757,103.

Debt Service revenues for the month of December totaled \$240,118 and were all from property tax. There were no expenditures in December. The next debt service payments are due February 1<sup>st</sup>.

EDC revenues through December 31, 2021, were \$472,148. EDC expenditures through the end of December were \$96,989. Total revenues exceeded total expenditures by \$375,159.

Total revenues received through December 31, 2021 were \$216,749 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$36,496 through the end of December. Total revenues exceeded total expenditures by \$180,253. 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 December 31, 2021, the City had \$47,850,513 invested at varying interest rates; the EDC had \$5,519,012 available.

Motion by Ms. Franklin, seconded by Mr. Phillips to accept the finance report for the period ending December 31, 2021

Vote on the Motion:

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

Noes: None

Motion unanimously.

**G-2549      Accept Investment Report for period ending December 31, 2021**

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 12, 2022, to review the report and ensure compliance with the City's investment policy. A copy of the Investment Report is attached and highlights are presented below.

- The total portfolio for the City and EDC on December 31, 2021 is \$53,369,525, with 90% or \$47,850,513 belonging to the City, and 10% or \$5,519,012 to the EDC. The City's portion includes the \$22,000,000 in bond proceeds received in September.
- 78% of the combined portfolio is in bank accounts, with 11% in local government investment pools, 10% in certificates of deposit, and 1% in agency notes.
- The weighted average maturity on the combined portfolio is 70 days with a .14% average yield to maturity. In comparison, the 90-day T-Bill benchmark rate is .06%.

The average yield to maturity still remains low because of continued low market interest rates, decreased yield in local government investment pools, and previously owned higher yielding CD's that have matured. With a relatively short 70-day weighted average maturity, the City is well positioned to take advantage of rising interest rates in 2022.

Motion by Mr. Phillips, seconded by Dr. Marshall to accept the investment report for the period ending December 31, 2021

Vote on the Motion:

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

Noes: None

Motion unanimously.

## **B. CONTRACT**

### **C-348 Award Floodplain Study Contract to Halff Associates**

Bennett Howell gave the following report: The proposed contract with Halff Associates will study the effects of non-regulatory (10-year, 25-year and 50-year) rain events within Benbrook's floodplain. The study will merge the latest Light Detection and Ranging (LiDAR) topographical data with existing floodplain data from the City of Benbrook, Texas Natural Resources Information System (TNRIS), and the North Central Texas Council of Governments (NCTCOG) to create a GIS-based Digital Elevation Model (DEM) for non-regulatory rain events, in addition to the FEMA required regulatory modeling for 100-year and 500-year rain events. The citywide floodplain study is included in the Capital Improvement Program approved by the City Council.

The study will enable the staff to review the City's flood prone areas at a more granular level, which in turn will guide best floodplain management practices and allocation of mitigation dollars.

The study will also earn additional points toward improving the City's Community Rating System (CRS) program score.

The City has contracted with Halff Associates for past floodplain studies.

The Stormwater Utility Fund will fund the project.

Motion by Dr. Marshall, seconded by Ms. Franklin to award the Floodplain Study contract to Halff Associates for \$75,000.

Vote on the Motion:

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

Noes: None

Motion unanimously.

### **C-349 Award Paving Contract to Texas Bit**

Bennett Howell gave the following report: For many years, the City of Benbrook has collaborated with Tarrant County to complete the City's annual asphalt street overlay program (program). This year's Interlocal Agreement with Tarrant County was approved by the City Council on November 18, 2021.

While the annual program has been a great benefit to Benbrook, Tarrant County is unable to complete the entire list of streets included in this year's program due to COVID and a backlog of projects. The proposed contract with Texas Bit completes the balance of the program at rates established via our existing

Interlocal Agreement with Ellis County. The annual overlay program is included in the Capital Improvement Program approved by City Council.

Texas Bit has done an excellent job for the City in the past, most recently completing the City's 2021 Overlay Program.

For fiscal year 2021/2022, \$1 million was budgeted for the entire program. This portion of the program will reclaim approximately 14,322 linear feet of roadway, as detailed in Table 1 below, at a total cost of \$858,591.

#### Reclaimed Streets

Street	From Cross Street	To Cross Street	Length (ft)	Width (ft)
Jogging Track at Dutch Branch Park	NA	NA	1,800	12
Park Dept Drive	NA	NA	1,431	12
Lake Shore	NA	NA	5,362	20
Cary Conklin Drive	Winscott Road	Near Concession Stand	955	35
John Reagan	Cozby N	Darnell	1,638	30
Childers	Bryant	Cozby N	822	30
Mildred	Bryant	Sproles	1,200	30
Mildred	Paul	Cozby S	1,114	30

The paving contract will be funded by the Public Works operating budget.

Motion by Ms. Franklin, seconded by Mr. Phillips to approve the paving contract with Texas Bit for \$858,591.

Vote on the Motion:

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

Noes: None

Motion unanimously.

#### VII. INFORMAL CITIZEN COMMENTS

Greg Clem, Donna Clem, and Linda Daniel all spoke of their concern regarding the plans of a new subdivision south of Trinity Estates and the infrastructure of the sewage and drainage.

**VIII. COUNCIL MEMBER AND STAFF COMMENTS**

Dr. Marshall announced the passing of former Councilmember, Charlie Anderson, December 27, 2021 and expressed appreciation for his many years of service.

Mayor Ward explained the absence of Councilmembers Addison, Mackey, and Tiner.

**IX. ADJOURNMENT**

Meeting adjourned at 8:05 p.m.

**APPROVED:**



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**Jason Ward, Mayor**

**ATTEST:**



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**Joanna King, City Secretary**