



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 15, 2021**

The regular meeting of the Benbrook City Council was held on April 15, 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  
Beth Fischer, Deputy City Secretary  
Wes Cooper, Assistant IT Director  
Jeff Morrison, Assistant IT Director

**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 April 1, 2021**

Motion by Dr. Marshall, seconded by Mr. Ward to approve the minutes of the regular meeting held April 1, 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. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

##### **CC-2021-05 Consider Nominations for North Central Texas Council of Governments (NCTCOG) Executive Board**

Dr. Marshall nominated Councilmember Renee Franklin for the North Central Texas Council of Governments Executive Board. Nomination seconded by Mr. Ward.

Vote on the Nomination by Roll Call:

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

Noes: None

Nomination carried unanimously.

Resume and application will be submitted to NCTCOG.

#### V. REPORTS FROM CITY MANAGER

##### A. GENERAL

**G-2507 Adopt Ordinance amending Title 15-Buildings and Construction of the Benbrook Municipal Code (1985), as amended, by amending Chapter 15.40-Flood Hazard Protection; by revising regulations to reduce flood risk to new and existing development within all areas delineated by the Federal Emergency Management Agency (FEMA) as an area of special flood hazard**

Jim Hinderaker gave the following report: The City of Benbrook has participated in the National Flood Insurance Program (NFIP) since 1979. In doing so, the City agrees to adopt and enforce the necessary Federal Emergency Management Agency (FEMA) floodplain regulations so Benbrook residents and property owners are eligible to purchase flood insurance. The City's floodplain regulations are codified in Chapter 15.40 of the Benbrook Municipal Code. FEMA's current floodplain maps for the Benbrook area became effective March 21, 2019.

An ongoing component of City's participation in the NFIP is that each community receives a Community Rating System (CRS) classification or score based on credit points earned for its flood mitigation activities every five years. Cities may implement any combination of activities that reduce flood losses through better mapping, regulations, public information, flood damage reduction, and/or flood warning and preparedness programs. The program strongly encourages community floodplain management activities that exceed the minimum NFIP standards. The City's participation in this program reduces the community's risk of flooding and provides residents the opportunity to purchase flood insurance at a discounted rate.

To maintain and possibly improve the City of Benbrook's CRS classification, staff recommends adoption of the proposed Ordinance amending Chapter 15-40 Flood Hazard Protection of the Benbrook Municipal Code.

Motion by Ms. Franklin, seconded by Mr. Valverde to adopt Ordinance No. 1466 amending Chapter 15.40-Flood Hazard Protection of the Benbrook Municipal Code.

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.

Ordinance No. 1466 being "AN ORDINANCE AMENDING CHAPTER 15.40 - FLOOD HAZARD PROTECTION, TITLE 15 - BUILDINGS AND CONSTRUCTION OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REVISING THE CITY'S FLOOD HAZARD PROTECTION REGULATIONS; PROVIDING FOR VIOLATIONS, PENALTIES AND INJUNCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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 II 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).

#### **SECTION IX EFFECTIVE DATE**

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

#### **G-2508 Approve Development Agreement with HKS Management, Limited, et al, regarding annexation**

Jim Hinderaker gave the following report: On April 7, 2016, City Council approved a Development Agreement with HKS Management, Limited, et al, (HKS) that stipulated the City would not annex the 992.72-acre Helen Groves Tract abutting the southern municipal boundary of the City of Benbrook and within the City's Extraterritorial Jurisdiction (ETJ). The agreement stipulated that the City would not seek to annex the property for five years as long as the property remained undeveloped and in agricultural use.

In early 2021, staff began conversations with HKS regarding possible development and annexation plans for the property. They stated their hope was to continue to utilize the property for agricultural and gas production activities and to renew the current Development Agreement set to expire soon.

The proposed Agreement provides that the City will not annex the property for a period of ten years if the property remains undeveloped and in agricultural use. If the owners sell a portion of the property and subdivide it, the City may annex that part. At the end of ten years, the City may annex the entire property, unless there is a reason that both parties want to extend the Development Agreement.

Benbrook's City Attorney has reviewed the Development Agreement and concurs with staff that the Agreement best preserves the City's interest.

Motion by Ms. Franklin, seconded by Mr. Valverde to approve the Development Agreement with HKS Management, Limited, et al, regarding annexation.

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**

Councilmember Laura Mackey recognized and congratulated Dr. Larry Marshall for his appointment as Vice President of RCC.

Mr. Hinderaker gave update on COVID-19.

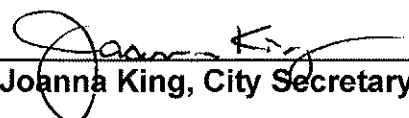
## **VIII. ADJOURNMENT**

Meeting adjourned at 7:52 p.m.

**APPROVED:**

  
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Jerry B. Dittrich, Mayor

**ATTEST:**

  
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Joanna King, City Secretary