

**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, AUGUST 4, 2005**

The regular meeting of the Benbrook City Council was held on Thursday, August 4, 2005 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Rickie Allison
Keith Bailey
John Vander Pan
Ron Sauma
James Schull
Larry Stowe

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
Dave Gattis, Assistant City Manager
David Ragsdale, Comptroller

Others Present:

Ed Gallagher, City Planner
Dorcas Neuman, Benbrook News
Bill Smith
Robin Yarbrough
Leroy Grawunder
Nick Bulaich
Daniel Tully
Ann Stemple
Kristie Smith
Tammi Cauthen
Chuck Moody
Pat Dunkin
Loretta Belise
Teresa Stichnot
and 7 other citizens

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Pastor Todd Pylant with First Baptist Church gave the Invocation.
The Pledge of Allegiance was recited.

III. CONSENT AGENDA (Items listed under the Consent Agenda are considered routine and are enacted in one motion. The exception to this rule is that a Councilmember, citizen or City Manager may request one or more items to be removed from the Consent Agenda for separate discussion and action.)

1. Minutes of the regular meeting held July 21, 2005

Motion by Mr. Vander Pan, seconded by Mr. Sauma to approve the consent agenda as presented.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. CITIZEN PRESENTATION

1. Kristy Smith – Westpark Elementary PTA Playground Committee – Assistance in Providing a Safer and Handicap Accessible Playground

Ms. Kristy Smith, Co-Chair of the Westpark Elementary PTA Playground Committee addressed City Council. Ms. Smith stated the current playground equipment at Westpark Elementary is constructed of metal and wood. She stated the equipment is weather damaged and poses a safety threat to the students. Ms. Smith advised that none of the equipment is handicap accessible and does not promote opportunities for children to develop multiple skills at one time essential to healthy development.

Ms. Smith advised the Westpark Elementary PTA has applied for and was awarded a Home Depot “KaBoom” Playground Challenge Grant for \$5,000. She advised that in order to receive the grant they must meet specific timelines and project benchmarks such as raising all necessary funds, providing proof of those funds no later than August 27 and successfully meeting their scheduled Build Day of

November 12, 2005. Ms. Smith requested assistance from the City to assist in meeting the financial obligation.

Discussion was held regarding the involvement with Fort Worth ISD as well as the City's past offer of assistance to Benbrook Elementary on the same issue.

Motion by Mr. Allison, seconded by Mr. Bailey to continue the same offer made to Benbrook Elementary in 2004 to Westpark Elementary. Offer is to provide site preparation for the playground and to assist with equipment installation utilizing City personnel and equipment. Fort Worth ISD is to agree to allow City personnel to perform installation under the guidance of FWISD inspectors and to assist Westpark Elementary PTA in providing additional funding.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull

Noes: None

Motion carries unanimously.

Mr. Conklin stated the information regarding solicitation of donations to Westpark Elementary Playground Committee would be placed on the City's cable channel and the City's Home Page.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

- 1. PZ-2005-03 Ordinance Amending Zoning Ordinance No. 808 City of Benbrook Zoning Ordinance Section 4 – Definitions, Section 5 – Districts and District Boundaries, Section 6 – CF Community Facilities District, Section 7 – SD Suburban District, Section 8 – RE Residential Estates District, Section 9 – A One Family District, Section 10 – B One Family District, Section 11 – BR One Family Reduced District, Section 12 – CR Multiple Family Restricted District, Section 13 – C Multiple Family District, Section 14 – D Multiple Family District, Section 15 – E Commercial District, Section 16 – F Commercial District, Section 17 – HC Highway Corridor District, Section 18 – G Commercial District, Section 19 – H Industrial District, Section 20 – MH Manufactured Home District, Section 21 – FP Planned Development District, Section 23 – Supplementary District**

**Regulations, Section 25 – Sign Regulations, Section 27 –
Landscaping and Buffer Regulations, and Section 29 –
Board of Adjustment**

Dave Gattis gave the following report: Staff and the Planning and Zoning Commission periodically review the zoning ordinance for potential revisions. In January, P&Z directed staff to review possible architectural standards for big box developments. Staff surveyed 33 cities and held three work sessions.

The proposed amendments to the zoning ordinance are:

- Clarify definitions of free-standing, monument and pylon signs
- Add Table of Uses
- Clarify requirements for accessory buildings and utility installations in CF, SD, RE, A, B, BR, CR, C, D, E, F, HC, G, H, MH
- Clarify building setbacks, landscaping, lighting and dumpster requirements in CF
- Clarifying animal requirements in SD and RE
- Clarifying model home provisions in A, B, BR, and MH
- Clarifying temporary building requirements in CR, C D, E and F
- Simplifying site plan requirements in C
- Clarifying temporary outdoor seasonal sales in E
- Adding architectural requirements for building in E, F, HC and G
- Adding expirations to PD site plans, variances and special exceptions
- Revising setbacks for animal lots
- Clarify requirements for removal of dilapidated non confirming signs
- Revision of sign requirements for CF, SD and RE
- Allowance for corporate flags
- Clarify setbacks for landscaping and add allowance for native and adapted plants

Architectural requirements for all buildings include:

- Brick or stone facades
- Low reflectance windows
- Limits on stucco and EIFS
- Prohibition against smooth concrete block or prefab metal panels
- Rear facades have lesser requirements, provided they are screened
- Colors must be neutral or earth tones, trim and accent areas may be brighter
- Ground mounted and roof-mounted equipment must be screened
- Outdoor storage and automotive bays must be screened, outdoor sales must be enclosed by wall

Architectural requirements for single tenant building over 5,000 square feet:

- Horizontal façade articulation
- Vertical façade articulation
- Three entryway features, such as parapet, landscaping, lighting, etc.
- Two detail features, such as color change, offsets, or repetitive ornamentation

Architectural features for multi-tenant buildings over 5,000 square feet:

- Vertical façade articulation
- Three entry way features such as wall sconces or pilasters
- Pedestrian features, including covered walkways and display windows
- Two detail features, such as color change, texture change or repetitive ornamentation

The Planning and Zoning Commission unanimously recommends adoption of the amendments to the zoning ordinance.

Mayor Dittrich opened the public hearing at 8:07 p.m. No one spoke for or against the item. Public hearing declared closed at 8:08 p.m.

Motion by Mr. Bailey, seconded by Mr. Schull to adopt Ordinance No. 1191 amending the zoning regulations.

Vote on the Motion:

Ayes: Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey

Noes: None

Motion carries unanimously.

Ordinance No. 1191 being **“AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY AMENDING SECTION 4-DEFINITIONS, SECTION 5-DISTRICTS AND DISTRICT BOUNDARIES, SECTION 6-“CF” COMMUNITY FACILITIES DISTRICT, SECTION 7-“SD” SUBURBAN DISTRICT, SECTION 8-“RE” RESIDENTIAL ESTATE DISTRICT, SECTION 9-“A” ONE FAMILY DISTRICT, SECTION 10-“B” ONE-FAMILY DISTRICT, SECTION 11-“BR” ONE-FAMILY REDUCED DISTRICT, SECTION 12-“CR” MULTIPLE FAMILY RESTRICTED DISTRICT, SECTION 13-“C” MULTIPLE FAMILY DISTRICT, SECTION 14-“D” MULTIPLE FAMILY DISTRICT, SECTION 15-“E”**

COMMERCIAL DISTRICT, SECTION 16-“F” COMMERCIAL DISTRICT, SECTION 17-“HC” HIGHWAY CORRIDOR DISTRICT, SECTION 18-“G” COMMERCE DISTRICT, SECTION 19-“H” INDUSTRIAL DISTRICT, SECTION 20-“MH” MANUFACTURED HOME DISTRICT, SECTION 21- “PD” PLANNED DEVELOPMENT DISTRICT, SECTION 23-SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 25-SIGN REGULATIONS, SECTION 27-LANDSCAPE AND BUFFER REQUIREMENTS, AND SECTION 29-BOARD OF ADJUSTMENT; 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 25

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 of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 29

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1574 Consider Projects for Tarrant County Bond Program and Adopt Necessary Resolutions

Mr. Gattis gave the following report: Tarrant County has announced their intent to include \$200 million for transportation projects in their May 2006 election. Funds will be used as 50% match for local projects.

Candidate projects include:

- Congestion mitigation
- Corridor preservation
- Improvements to US highways and FM roads
- Expansion of major arterials
- Transit projects
- Intersection improvements, bike trails, park-and-ride lots
- County roads

There are two potential projects in Benbrook

- Widening of Benbrook Boulevard, from I-20 to Winscott Road from four to six lanes.

Total cost is \$11.9 million

Federal share is \$9.53 million

City share is \$825,725

County share is \$825,725

BWA share is \$731.255

- Widening of Lakeside Drive from Winscott Road to Dirks Road
Includes bridge over uncontrolled spillway

Total cost is \$7.538 million

County share is \$3.769 million

Fort Worth share is \$898,000

Benbrook share is \$2.871 million

If City Council should determine to include projects in the Tarrant County Bond Program, staff has prepared the necessary resolutions.

After lengthy discussion regarding the projects, motion by Mr. Allison, second by Mr. Stowe to adopt Resolution 2005-16 to include the widening of Benbrook Boulevard as part of the Tarrant County Transportation Bond Program.

Vote on the motion:

Ayes: Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mr. Allison

Noes: None

Motion carries unanimously.

Resolution No. 2005-16 being **“A RESOLUTION SUPPORTING THE INCLUSION OF THE WIDENING OF BENBROOK BOULEVARD FROM I-20 TO WINSCOTT ROAD AS PART OF THE TARRANT COUNTY TRANSPORTATION BOND PROGRAM.”**

Motion by Mr. Allison, seconded by Mr. Stowe to delay a decision on the Lakeside project until August 18, 2005.

Vote on the Motion:

Ayes: Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich

Noes: None

Motion carries unanimously.

G-1575 Accept the 2005 Certified Appraisal Roll and Set Anticipated Property Tax Collection Percentages

Mr. Conklin gave the following report: Staff received the 2005 certified Appraisal Roll from the Tarrant Appraisal District (TAD) on July 25, 2005. The report "Information on 2005 Appraisal Roll" contains certain state mandated information on appraised value, adjustments, exemptions, and taxable value of property in the City as of January 1, 2005.

To comply with the "Truth-in-Taxation" (TNT) requirements, the City Council must accept the certified Appraisal Roll as presented by TAD. City Council must also set an anticipated collection rate and appoint an officer to calculate and publish the Effective Tax Rate (ETR) and the Roll Back Tax Rate (RTR).

Motion by Mr. Vander Pan, seconded by Mr. Stowe to accept the 2005 certified Appraisal Roll as presented; set 100% as the anticipated property tax collection rate; and, appoint the Comptroller to calculate and publish the Effective Tax Rate and the Roll Back Tax Rate.

Vote on the Motion:

Ayes: Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan

Noes: None

Motion carries unanimously.

G-1576 Consider Adoption of an Ordinance Authorizing the Issuance and Sale of City of Benbrook, Texas, Combination Tax Revenue Certificate of Obligation, Series 2005; Levying an Annual Ad Valorem Tax and Providing for the Security for and Payment of said Certificate; and Enacting Other Provisions Relating to the Subject

Mr. Conklin gave the following report: City Council has previously authorized the loan of funds to the Benbrook TIF District No. 1 for the purpose of:

- Design and engineering of the Walnut Creek sewer line
- The I-20 Ramp relocation and Texas Turn-around projects

Within the next two months, City Council must consider authorization of a similar loan for the construction of the Walnut Creek sewer line project. The estimated total financial obligation for Benbrook's portion of all TIF projects is \$2.8 million.

The TIF District believes that these expenditures are necessary to stimulate additional development within the TIF District. The load will be repaid by the TIF from future TIF revenues as those revenues become available.

On June 16, 2005, City Council passed a resolution authorizing the City to loan development money up to \$3 million to the TIF. This resolution was necessary to comply with the Internal Revenue Service regulations.

City Council met in a work session on June 16 to discuss alternatives for the issuance of Certificates of Obligation. This issuance of CO's would:

- Return funds to the City reserves allowing the City to maintain a properly funded reserve account.
- Allow a gradual payout option for TIF projects providing an option for the TIF to take over annual payments.

City Council considered amounts for the CO issuance ranging from \$1.5 million to \$3 million with payout ranging from 15 to 20 years. City Council reached a consensus to finance \$2.5 million with a payout of 15 years.

On July 7, City Council authorized staff to provide public notice of the City's intent to issue certificates of obligation.

Motion by Mr. Vander Pan, seconded by Mr. Schull to adopt Ordinance No. 1192 authorizing the issuance of \$2.5 million in Certificate of Obligation for the TIF District program payments for a period of 15 years.

Vote on the Motion:

Ayes: Mr. Sauma, Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe

Noes: None

Motion carries unanimously.

Ordinance No. 1192 being “**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BENBROOK, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2005; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.**”

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN PRESENTATION

Tammi Cauthen thanked City Council for the assistance they have offered to provide to Westpark Elementary Playground Committee for a new playground. She advised the same offer was made to Benbrook Elementary; however, that offer was not utilized due to assistance received from FWISD.

Pat Dunkin commended City Council for not including the Lakeside project in the Tarrant County Bond Program at this time. She stated the widening of Benbrook Blvd. is a needed project, but the Lakeside project would only benefit residents of another City.

Ms. Dunkin stated in reading emails from a group of citizens opposing Wal-Mart locating in Benbrook, she is of the opinion that a majority of citizens are in favor of the project.

IX. ADJOURNMENT

Meeting adjourned at 8:57 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary