



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MARCH 15, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, March 15, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
David Ragsdale, Comptroller

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher, City Planner
Cathy Morris, Administrative Analyst
Walter Shumac, Director of Public Services
James Mills, Police Chief
Jennifer Gabbert, Police Officer
Bill Smith
Daniel Tully
Mr. & Mrs. Harold Evetts
Robert Loritz
Betsy Price
Mark Hill
Members of Boy Scout Troup 23

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Andrew Holland with Benbrook Christian Fellowship
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 March 1, 2007

Motion by Mr. Allison, seconded by Mr. Bailey 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. PROCLAMATION/AWARDS/RECOGNITION

1. Proclamation – American Red Cross Month

Mayor Dittrich presented a proclamation declaring March as American Red Cross Month to Ms. Betsy Price.

2. Proclamation – Meals on Wheels

Mayor Dittrich presented a proclamation declaring March for Meals Awareness Month in Tarrant County to Mr. Mark Hill.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2007-03 Adopt Ordinance amending Section 4-Definitions, Section 5-Districts and District Boundaries, Section 6-CF Community Facilities, 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 20A-MU Mixed Use District, Section 21-PD Planned Development District, Section 22-Conditional Uses, Section 23-Supplementary District Regulations, Section 24-Parking and Vehicular Circulation, Section 25-Sign Regulations, Section 26-

Fence Regulations, Section 27-Landscaping and Buffer Regulations, Section 28-Non-Conforming Uses, and Section 29-Board of Adjustment of the Zoning Ordinance of the City of Benbrook, Ordinance Number 808, as amended

Dave Gattis gave the following report: Staff and the Planning and Zoning Commission try to review the Zoning Ordinance text annually for necessary and suggested revisions. The last amendments were made in August 2005.

This year's amendments include:

- Definition of Building Official
- Clarification of side yard requirements in C, CR and D districts
- Clarified height setback slope
- Clarified application of architectural standards applicability
- Clarified requirement for animated signs
- Miscellaneous editorial and grammatical revisions
- Revision of parking requirement:
 - Lowered requirement for commercial buildings (1/200 SF and 1/250 SF)
 - Added requirement for "home improvement, hardware or paint store" (1/300 SF)
- Clarified and expanded requirements for "Planned Development" zoning districts

The Planning and Zoning Commission considered the amendments in February and unanimously recommended approval.

Mayor Dittrich opened the public hearing at 7:50 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:50 p.m.

Motion by Mr. Stowe, seconded by Mr. Vander Pan to adopt ordinance No. 1230 amending the zoning text of the Zoning Regulations.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1230 being "AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY AMENDING SECTION 4-DEFINITIONS, SECTION 12-"CR" MULTIPLE FAMILY RESTRICTED DISTRICT, SECTION 13-"C" MULTIPLE FAMILY DISTRICT, SECTION 14-"D" MULTIPLE FAMILY DISTRICT, SECTION 20A-"MU" MIXED USE DISTRICT, SECTION 21-"PD" PLANNED

DEVELOPMENT DISTRICT, SECTION 23-SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 24-PARKING AND VEHICULAR CIRCULATION STANDARDS, SECTION 25-SIGN REGULATIONS, SECTION 26-FENCE REGULATIONS, AND SECTION 27-LANDSCAPE AND BUFFER REQUIREMENTS; 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 14

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 18

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.

PZ-2007-04 Adopt Ordinance amending the Subdivision Ordinance of the City of Benbrook, Ordinance Number 1122, as amended

Dave Gattis gave the following report: Staff and the Planning and Zoning Commission try to review the Subdivision Ordinance text annually for necessary and suggested revisions. The last amendments were made in February 2006.

All of the proposed amendments are editorial or grammatical revisions, with no substantive changes in requirements.

The Planning and Zoning Commission considered this item at their February meeting and unanimously recommends it adoption.

Mayor Dittrich opened the public hearing at 7:53 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:54 p.m.

Motion by Mr. Sauma, seconded by Mr. Schull to adopt Ordinance Number 1231 amending the Subdivisions Regulations.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1231 being **“AN ORDINANCE AMENDING TITLE 16 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 16.04-GENERAL PROVISIONS AND POLICIES, CHAPTER 16.08-DEFINITIONS, CHAPTER 16.12-ADMINISTRATION, CHAPTER 16.16-PLAT PROCEDURES, AND CHAPTER 16.28-DESIGN STANDARDS AND REQUIREMENTS; 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 6
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 publication as required by law.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1688 Financial Report for Month Ending February 28, 2007

David Ragsdale gave the following report: Year-to-date General Fund revenues amounted to \$7,977,681. Revenues for the month of February totaled \$1,575,929. To date, total collections exceed the prior year.

Year-to-date expenditures amounted to \$4,694,999. February expenditures totaled \$778,049. At February 28, revenues exceeded expenditures by \$3,282,682.

EDC revenues were \$9,757 while expenditures were \$289,665, with most of this going for the purchase of land and excavation work.

Investments were \$13,421,159 at February 28, 2007. This entire amount is available immediately if needed.

Motion by Mr. Vander Pan, seconded by Mr. Schull to approve the financial report as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1689 Comprehensive Annual Financial Report for Fiscal Year 2005-2006

David Ragsdale gave the following report: The Financial Department prepared the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2007 which has been reviewed and approved by Weaver and Tidwell, L.L.P.

The financial highlights include:

- The General Fund had a positive year end balance of \$708,054, increasing total unrestricted General Fund reserves to \$5,268,507. The City's Department Heads contributed to the increased ending balance by returning \$417,072 of their budgets.
- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by \$46,580,027.
- The leasing of City property produced a \$1,207,260 gas lease bonus payment.
- The City's total capital assets increased by \$2,796,253 to \$53,201,994.
- At the close of the fiscal year, the City's governmental funds reported combined ending balances of \$11,205,958.
- Long-term debt decreased even though a new long-term note of \$540,000 was issued by the EDC.

GASB 34 was enacted to provide a more comprehensive evaluation of a municipality's long term financial position. In prior years, cities only looked at Deposits & Investments. The new reporting format requires the City to list Capital Assets and then depreciate them. Capital Assets total \$95.7 million, but more than \$42.5 million of those assets have been fully depreciated.

Motion by Mr. Stowe, seconded by Mr. Allison to accept the CAFR for the fiscal year ended September 30, 2006 and authorize the staff to make payment of \$22,500 to Weaver and Tidwell, L.L.P. from account 01-2101-5216.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1690 Resolution Renewing TXU Standing Committee and Resolution Renewing Atmos Gas Standing Committee

David Ragsdale gave the following report: In 2004, 20 cities exercised original ratemaking jurisdiction over TXU Electric Deliver Company and passed resolutions compelling the Company to file cost of service data to show why rates should not be reduced. The efforts of the 20 cities were coordinated through an Electric Consortium Steering Committee. After several months of discussion, an agreement was reached to (1) delay the rate increase. (2) obligate TXU to work with the cities on other items of concern, and (3) compel TXU to make an annual cash payment of \$8,000,000 to the ECSA to disperse to member cities.

Last year, TXU and ECSC agreed to extend the benefits negotiated in 2004. TXU will make additional payments of \$18,000,000 over two years for disbursement to the member cities. To date, Benbrook has received about \$171,000, with another check for \$36,000 due this spring.

Several years ago, 30 cities formed the Gas Cities Steering Committee in response to a gas rate filing by Lone Star Gas. Over the past seven years, Atmos Gas (and its predecessors) has filed annual rate increases. The GCSC has the authority to act for member cities. Since its creation, the GCSC has prevented or reduced several gas rate increases, saving the citizens of GCSC member cities more than \$175 million.

The work of these committees is financed through contributions from the member cities. These contributions pay for attorney fees and consultant costs required to fight rate increase request. To date, the City has received over \$171,000 from the various TXU settlements and has had gas rate increases blocked or reduced. Membership is based on ten cents per capita and Benbrook's cost is \$2,164.60 for each Committee.

Motion by Mr. Schull, seconded by Mr. Stowe to adopt Resolution No. 2007-03 renewing TXU Standing Committee and Resolution No. 2007-04 renewing Atmos Gas Standing Committee.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

Invitation to Citizens Police Academy

Officer Jennifer Gabbert announced that the Citizen Police Academy will begin on April 3, 2007. This is a three hour class, meeting once a week for ten weeks. Members receive training in several police topics as well as other aspects of municipal government.

IX. INFORMAL CITIZEN COMMENTS

X. ADJOURNMENT

Meeting adjourned at 8:25 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary