



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 19, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, April 19, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Andy Wayman, City Manager  
Donna Savage, Assistant to City Secretary  
Walter Shumac, Public Services Director  
Ed Gallagher, City Planner  
David Ragsdale, Chief Financial Officer  
Phyllis Wolfe, I.T. Coordinator

Others Present:

Dorcas Neuman, Benbrook News  
Mr. and Mrs. Springer  
Mayor Ken Shetter  
Harold Evetts  
Tryne Olen  
Jeff Polk  
Daniel Tully  
Bill Smith  
Sam Balkum  
and 10 other citizens

**I. CALL TO ORDER**

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

**II. INVOCATION  
PLEDGE OF ALLEGIANCE**

Invocation was given by Pastor Todd Plyant with First Baptist Church. 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 removed from the Consent Agenda for separate discussion and action)

1. Minutes of the regular meeting held April 5, 2007
2. Resolution Supporting Repeal of GRIP 2007-05
3. Approve Settlement Agreement with Claudio Magiocca for Plantation East Creek Drainage Easement (4009 Springbranch)
4. Interlocal Agreement with City of Fort Worth for Relocation of Sewer Interceptor N-259 within Mary's Creek Drive Right-of-Way.

Motion by Mr. James Schull, seconded by Mr. Sauma to approve the consent agenda as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2007-05 being **“A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, OPPOSING H.B. 651; SUPPORTING S.B. 742 AND H.B. 1994; AND JOINING CITIES FOR REASONABLE GAS RATES.**

**IV. PROCLAMATION/AWARDS/RECOGNITION**

1. **Proclamation – Honoring Sergeant Lance C. Springer II – Benbrook Fallen Warriors**

Mayor Dittrich read and presented Anna and Lance Springer, parents of Sergeant Lance C. Springer II, a proclamation proclaiming **April 23 – 29, 2007 as Lance C. Springer II Week in Benbrook, Texas.** Sergeant Springer, a graduate of Western Hills High School was killed in action in Baghdad, Iraq on March 23, 2007.

**V. CITIZEN PRESENTATION**

1. **Ken Shetter, Mayor of Burleson – Transportation Outlook for Region and Update on the TRTC**

Mayor Ken Shetter, City of Burleson gave the following presentation: Tarrant Regional Transportation Coalition is a non- profit membership organization that advocates for transportation improvements in the western half of the North Texas Metroplex. TRTC seeks to inform groups and individuals, as well as key policymakers, about the mobility needs, priorities, and challenges related to both mobility and air quality of the local area.

TRTC focuses on mobility needs involving roadways, commuter rail and freight rail, all of which are critical to the efficient movement of people and goods across our region. TRTC's priorities are to find effective solutions to the transportation crisis that will more efficiently move people and goods, improve economic vitality and sustainability of the region. and to improve the region's livability and the quality of life for residents, businesses and their employees.

Three primary transit agencies serve the metropolitan region, providing bus, light rail and commuter rail transportation:

- Dallas Area Rapid Transit (DART)
- Denton County Transportation Authority (DCTA)
- Fort Worth Transportation Authority (The T)

With population growth coming to the region, transit will have to play an even larger role in providing regional mobility. Without a substantial increase in transportation investments a 20-minute drive on today's roads will take 52 minutes in 2025. This will have serious implications for our economy and our quality of life.

The population of the North Texas Region now exceeds six million people with the population to exceed nine million in less than 2025. Today's congestion costs North Texas more than \$6 billion annually in lost productivity and wasted fuel. The TRTC is actively searching for answers to the mobility crisis through the Metropolitan Mobility Plan – Mobility 2030. This involves improvements and creation of freeways and tollways; HOV/Managed Lanes; and, rail.

## **VI. PRESENTATION BY PLANNING AND ZONING COMMISSION**

**PZ-2007-05 Adopt Ordinance rezoning 27.58 acres of land in the J.M Evans Survey Abstract Number 466 and the C.A. Kuykendall Survey Abstract Number 890, also being Lots 1-37 of Block 1; Lots 17-24 of Block 2; Lots 1,2, and 33-56 of Block 3; Lots 1-30 of Block 4; and Lots 39-43 of Block 5, of Brookside At Benbrook Field Phase I from "BR" One Family Reduced District to "BR-PD" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (west of Vista Way and south of Sterling Drive)**

Ed Gallagher gave the following report: The rezoning applicants, National Homes and Adams Polk Homes are building single family homes on the 106 lots in the Brookside at Benbrook Field Phase I development west of the new portion of Vista Way. The rezoning application is to add a Planned Development designation to the current "BR" District classification to have reduced front, rear, and side yard setbacks and maintain all other "BR" District regulations as part of a proposed 1920's architectural theme.

The "PD" application presented to the Planning and Zoning Commission proposed 20-foot front setbacks for houses with a 15-foot setback for covered porches, five-foot rear setbacks, and five-foot side yards deleting the 15-foot combination requirement. After discussion with the applicant and the staff, the Commission concurred with the staff recommendation that front yard be 25-feet

with provisions for a five-foot encroachment for covered porches, rear yards be 15-feet for houses with a five-foot rear yard for uninhabitable detached accessory buildings, and side yards be five-feet on each side of interior lots. In its recommendation to the City Council, the Commission expanded the staff recommendation to include design and masonry content standards referencing early 20<sup>th</sup> Century, pre 1945-time period architectural styles, and establishing a minimum 65-percent masonry requirement on front elevations.

The rezoning consideration is compatible with existing zoning and land uses in the area and conforms to the Land Use Element of the Comprehensive Plan in conformance with Section 211.004 of the Texas Local Government Code requiring the adoption of Zoning Regulations be in conformance with a comprehensive plan.

It is recommended that, after a public hearing, the City Council approve the rezoning of Brookside At Benbrook Field Phase I from “BR” District to “BR-PD” District with front yards being 25-feet and allowing five-foot encroachments for open porches, rear yards being 15-feet for dwellings and five-feet for uninhabitable accessory buildings, and side yards on interior lots being five-feet; and design standards having a pre-World war II architectural style on all front elevations visible from streets; and a front elevation masonry requirement of 65-percent as presented in Section 2 of draft ordinance 1233.

Mayor Dittrich opened the public hearing at 8:45 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:46 p.m.

Motion by Mr. Allison, seconded by Mr. Vander Pan to adopt Ordinance No. 1233 rezoning 27.58 acres of land in the J. M. Evans Survey Abstract Number 466 and the C.A. Kuykendall Survey Abstract Number 890 Brookside at Benbrook Field Phase I from “BR” One Family Reduced District to “BR-PD” One Family Planned Development District including the exceptions as noted in PZ-2007-05.

Vote on the Motion:

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

Noes: Mr. Stowe.

Motion Carries 5-1

**Ordinance No. 1233 being “AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY CHANGING THE ZONING CLASSIFICATION OF LOTS 1-37, BLOCK 1; LOTS 17-24, BLOCK 2; LOTS 1, 2 AND 33-56, BLOCK 3; LOTS 1-30, BLOCK 4; AND LOTS 39-43, BLOCK 5, ALL IN BROOKSIDE AT BENBROOK FIELD, PHASE 1; FROM “BR” ONE FAMILY REDUCED DISTRICT TO “BR-PD” ONE FAMILY REDUCED PLANNED DEVELOPMENT DISTRICT WITH CERTAIN CONDITIONS; AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A**

**SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**SECTION 1.**

Ordinance No. 808, as amended, is hereby amended so that the zoning classification of Lots 1-37, Block 1; Lots 17-24, Block 2; Lots 1, 2 and 33-56, Block 3; Lots 1-30, Block 4; and Lots 39-43, Block 5; all in Brookside At Benbrook Field, Phase 1, is changed from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District, with the following conditions:

- 1) Development on such lots shall comply with all provisions of Ordinance No. 808 which are applicable in a "BR" One Family Reduced District, except that the following front yard, rear yard, side yard and setback regulations shall apply:
  - a) Front yards shall be not less than twenty-five feet (25"). Attached porches may, however, encroach on the front yard requirement by up to five feet (5'), leaving a twenty foot (20') front yard at the width of the front porch. A front porch is defined as a covered area fully open on the front and both sides with the side opening being a minimum of five feet (5') at the depth of the encroachment.
  - b) Rear yards shall not be less than fifteen feet (15') for dwelling structures. Rear yards shall not be less than five feet (5') for uninhabitable, detached accessory buildings.
  - c) Side yards on interior lots shall be a minimum of five feet (5').
- 2) The following Design and Masonry Content Standards shall apply to dwellings, garages and accessory buildings on such lots which are visible from the street:
  - a) Architectural Style – The front elevations for all dwellings, garages and accessory buildings visible from the street shall present a "Prairie", "Craftsman", "Tudor", "English Cottage", "French Provincial", "Georgian", "French Rural", or other historical architectural style typical of pre-World War II (pre-Modern) American house styles. House styles shall be defined by "American Homes: An Illustrated Encyclopedia of Domestic Architecture" by Lester Walker (published 1996) or "American House Styles, A concise Guide" by John Milnes Baker, AIA (published 1994), unless otherwise approved by the Planning and Zoning Commission. Any elevation style not approved by the Building Official may be appealed to the Planning and Zoning Commission for reconsideration and approval.
  - b) Masonry Content – The front elevation (and second front on corner lots) shall have a minimum of sixty-five percent (65%) masonry (including face brick, stone, or architectural blocks with a finished exterior surface). Stucco and fiber cement siding (e.g. "Hardiplank" by James Hardie, Inc., "Weatherboard" by Certainteed, and similar products) shall not be counted as meeting the masonry requirement.

**SECTION 8.**

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

## **VII. REPORTS OF THE MANAGER**

### **A. GENERAL**

#### **G-1694 Financial Report for Quarter Ending March 31, 2007**

Mr. Ragsdale gave the following report: Revenues through the end of the City's second quarter totaled \$9,360,576 or 77.82% of budgeted revenues. Ad Valorem Taxes produced almost 73% of total revenues. Franchise taxes produced 10.57%, while Other Taxes were responsible for 7.34% of total revenues.

Revenue collected through the end of the second quarter was \$526,765 more than the amount received during the same period in the prior year.

General fund expenditures through the end of the quarter were \$5,751,569 or 47.82% of budgeted expenditures. No departments are over expended at this time.

Revenues exceed expenditures by \$3,609,007.

Dept service fund revenues received through the end of the quarter totaled \$1,185,668 or 95.66% of the budget. Total expenditures during the quarter amounted to \$930,486.

EDC revenues were \$392,778, with most of this amount coming from the sales tax receipts. EDC expenditures were \$903,898, with the largest expenditures going toward land acquisition and interest on outstanding loans.

Capital projects revenues amounted to \$101,567. Capital projects expenditures were \$283,784.

Special assessments revenues were \$40,374, while expenditures amounted to \$38,720.

Investments at March 31, 2007, the City had \$14,127,876 invested at varying interest rates.

Motion by Mr. Stowe, seconded by Mr.Schull to accept the quarterly financial report for the quarter ending March 31, 2007

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-1695      Quarterly Hotel/Motel Tax Report**

David Ragsdale gave the following report: The opening balance on January 1 was \$267,410 with quarterly revenue collections of \$32,927.

Expenses total quarterly expenses were \$15,925. The Hotel/Motel Tax fund balance was \$284,411 at March 31, 2007.

Benbrook Area Chamber of Commerce submitted receipts totaling \$10,815. Most of this amount was for the salary and shared overhead of the Tourism Director (\$10,038) and dues and training expenses of \$777.

VSA after not submitting a report for the first quarter, VSA submitted expenses of \$1,541. All of the expenses are substantiated by receipts or other forms of documentation.

Motel 6 submitted \$3,570 in advertising expenses.

Motion by Mr. Vander Pan, seconded by Mr. Sauma to approve the Quarterly Hotel/Motel tax report and to authorize staff to make reimbursements requested.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-1696      Resolution Supporting Price Disclosure on Sale of Real Estate**

Mr. Ragsdale gave the following report: Several years ago, the State Legislature mandated that all property be appraised at market value. The only way to determine true market value is to know the sales price of property. Currently, Texas is one of 15 states that do not require sales price disclosure. Therefore, tax appraisal districts throughout the State must estimate property values based on whatever information is available. As a result, property values for commercial and industrial property are historically undervalued, costing taxing entities billions in lost revenue. The problem is more pronounced for commercial and industrial property because there is much less comparative data to base appraisals on than residential property. Simply put, commercial and industrial property sales occur much less frequently than residential sales.

The Legislature is currently considering legislation (HB 1552 and SB 270) that would require sales price disclosure. The Tarrant Appraisal District (TAD) has asked that all cities support the proposed legislation by passing the attached resolution of support. TAD strongly believes HB 1552 and SB 270 will promote

more accurate appraisals while making the appraisal process more efficient and understandable to the consumer.

Motion by Mr. Sauma, seconded by Mr. Stowe to adopt Resolution Number 2007-06 supporting price disclosure on sale of Real Estate.

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.

Resolution No. 2007-06 being “**SALES DISCLOSURE**”.

**VIII. OTHER MATTERS OF BUSINESS**

**IX. INFORMAL CITIZEN COMMENTS**

Mr. Sam Balkum of The Chamber of Commerce announced the Green Garden Day and Health Fair is Saturday April 28<sup>th</sup> at Benbrook Community Center/YMCA.

Mr. Harold Evetts expressed appreciation to Staff for Overlay Project in North Benbrook.

**X. ADJOURNMENT**

Meeting adjourned at 9:05 p.m.

**APPROVED:**

\_\_\_\_\_  
**Jerry B. Dittrich, Mayor**

**ATTEST:**

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