



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JANUARY 21, 2016**

The regular meeting of the Benbrook City Council was held on Thursday January 21, 2016 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Renee Franklin
Larry Marshall
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Dave Gattis, Deputy City Manager
Joanna King, City Secretary
Sherri Newhouse, Finance Director
Nicole Belford, Management Analyst
Johnna Matthews, Planner

Others Present:

Ed Gallagher, Planning Director
Denise Huneycutt, Benbrook News
Bill Smith
Ember Bailey
Mr. and Mrs. Jeff Bailey
Ethan Remtigme, Boy Scout Troop 11
Mike and Robin Remtigme

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

The audience observed a moment of silence in remembrance of Former Mayor Robert Clark.

Invocation given by Pastor Todd Pylant of First Baptist Church of Benbrook.

The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the Regular Meeting held January 7, 2016

Motion by Dr. Marshall, seconded by Mr. Washburn to approve the minutes of the regular meeting held January 7, 2016.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. INTRODUCTION OF NEW EMPLOYEE

1. Introduction of new City Planner – Johnna Matthews

Dave Gattis introduced Johnna Matthews, City Planner to City Council.

V. CITIZEN PRESENTATION

1. Ember Bailey – Request Ordinance allowing pigs within City Limits

Ember Bailey requested City Council to consider an ordinance allowing the keeping of pigs within the City limits. Ms. Bailey stated she has found a potbellied pig that she would like to keep in her back yard.

Mayor Dittrich thanked Ms. Bailey for her presentation and informed her that the City does allow the keeping of pigs along as the citizen has obtained the proper permit.

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2016-01 Adopt Ordinance amending Chapters 17.08-Definitions; 17.20 – Districts, District Boundaries and District Uses; 17.24-“CF” Community Facilities; 17.28-“SD” Suburban District; 17.32-“RE” Residential Estate District; 17.36-“A” One Family District; 17.40 “B” One Family District; 17.44- “BR” One Family Reduced District; 17.48 “CR” Multiple Family Restricted District; 17.52 –“C” Multiple Family District; 17.54-“D” Multiple Family District; 17.56-“E” Commercial District; 17.72-“MH” Manufactured Home District; 17.84-Supplementary District Regulation; 17.88-Parking and Vehicular Circulation Regulations; 17.96-Fence Regulations; 17.98-Landscape and Buffer Requirements of the Benbrook Municipal Code (Public Hearing)

Mr. Gattis gave the following report: Each year, the Staff reviews the City's development ordinances for potential changes or amendments.

The first proposed amendment is to the Architectural Design requirements to replace “excluding” with “including” to read as follows:

Architectural design requirements: Principal buildings shall include the area for doors and windows in the calculation of masonry coverage for external materials applying to residential and commercial districts. The front, sign and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.

The second proposed amendment is in regard to Masonry Construction. There has been some misinterpretation regarding the applicable masonry wall and fence requirement for screening. Changing terminology for consistency in all districts regarding masonry wall and/or masonry fence.

With the recent city limit adjustments with Fort Worth, Benbrook now has Extra-Territorial Jurisdiction (ETJ). The third proposed amendment is to add the definition of ETJ to definitions: Extra-Territorial Jurisdiction (ETJ) – the area defined by the Texas Local Government Code, Chapter 42, as applied to the City of from Subdivision Ordinance. That property which lies within the Jurisdiction of the City of Benbrook for enforcing subdivision plat regulations.

The final proposed amendment is to add the definition of Day Care Facility to definitions to replace Day Care Home, Family and change Group Home definition to reference Day Care Facility.

The Planning and Zoning Commission considered the amendments at their December 10, 2015 meeting and unanimously recommended that City Council adopt the ordinance amending the Zoning Regulations.

Mayor Dittrich opened the public hearing at 7:47 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:48 p.m.

Motion by Dr. Marshall, seconded by Mr. Allison to adopt Ordinance No. 1393 amending the Zoning Regulations regarding: architectural design requirements regarding calculation of masonry coverage; clarifying the requirements for masonry walls and masonry fences; adding a definition of extra-territorial jurisdiction; and, adding definitions of child care facilities and group homes to conform to State law.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1393 being **“AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY**

AMENDING CHAPTER 17.08 — DEFINITIONS; CHAPTER 17.20 DISTRICTS, DISTRICT BOUNDARIES AND DISTRICT USES; CHAPTER 17.24 – “CF” COMMUNITY FACILITIES; CHAPTER 17.28 – “SD” SUBURBAN DISTRICT; CHAPTER 17.32 – “RE” RESIDENTIAL ESTATE DISTRICT; CHAPTER 17.36 – “A” ONE FAMILY DISTRICT; CHAPTER 17.40 – “B” ONE FAMILY DISTRICT; CHAPTER 17.44 – “BR” ONE FAMILY REDUCED DISTRICT; CHAPTER 17.48 – “CR” MULTIPLE FAMILY RESTRICTED DISTRICT; CHAPTER 17.52 – “C” MULTIPLE FAMILY DISTRICT; CHAPTER 17.54 – “D” MULTIPLE FAMILY DISTRICT; CHAPTER 17.56 – “E” COMMERCIAL DISTRICT; CHAPTER 17.72 – “MH” MANUFACTURED HOME DISTRICT; CHAPTER 17.74 “MU” MIXED USE DISTRICT; CHAPTER 17.75 “FBC” FORM-BASED CODE DISTRICT; CHAPTER 17.84 – SUPPLEMENTARY DISTRICT REGULATION; CHAPTER 17.88 - PARKING AND VEHICULAR CIRCULATION REGULATIONS; CHAPTER 17.96 – FENCE REGULATIONS; AND CHAPTER 17.98 – LANDSCAPE AND BUFFER REQUIREMENTS – ZONING OF THE BENBROOK MUNICIPAL CODE.”

**SECTION 28
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 35
EFFECTIVE DATE**

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

VII. REPORTS FROM CITY MANAGER

A. GENERAL

G-2225 Accept finance report for period ending December 31, 2015

Sherri Newhouse gave the following report: General Fund revenues for the month of December were \$4,547,501. Property tax collections were \$4,063,933. Sales tax collected in November 2015 but received by the City and recognized as revenue in December 2015 was \$177,560 for the month. General Fund revenues collected through the end of December were \$5,716,653 or 34.31% of the budget.

General Fund expenditures for the month of December were \$1,777,232. Expenditures through the end of December were \$3,996,081 or 22.84% of the adopted budget.

For the 2015-16 fiscal year-to-date, total General Fund revenues of \$5,716,653 exceeded General Fund expenditures of \$3,996,081 by \$1,720,572.

Debt Service revenues collected for the month of December 2015 totaled \$160,630; all revenue was from property taxes. There were no Debt Service expenditures for December. Total revenues for 2015-16 in the amount of \$186,110 exceeded total expenditures by \$186,110.

EDC revenues as of December 31, 2015 were \$103,440. Sales tax revenue received by the EDC for December 2015 was \$88,667. Interest earnings for the year were \$14,773. EDC expenditures for December were \$61,516. Expenditures for the year in the amount of \$170,437 exceeded total revenues of \$103,440 by \$66,997.

Total revenues received through December 31, 2015 for the Capital Projects Fund were \$126,514. Total expenditures for the Capital Projects Fund in December 2015 were \$127,750 for the Springbranch Drainage Project. Total expenditures of \$127,750 exceeded total revenues of \$126,514 by \$1,236.

On December 31, 2015, the City had \$23,242,735 invested at varying interest rates; the EDC had \$6,031,666 available.

Motion by Mr. Wilson, seconded by Ms. Franklin to accept the finance report for the period ending December 31, 2015.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2226 Adopt Ordinance amending Title 8 of the Benbrook Municipal Code by amending Chapter 8.08.010 – Weeds, Rubbish, Stagnant Water, etc. by adding Open Storage and Equipment

Nichole Belford gave the following report: Recently, the Code Compliance Department conducted an evaluation of City Ordinance related to storage of items. Clarifying the following issues will assist enforcement:

1. Open storage of items customarily stored indoors.
2. Storage of farm and/or construction equipment in residential districts.

Current regulations are subject to broad interpretation. Staff proposes an amendment to junk and rubbish definition to clarify open storage to read:

A4. Open storage is defined as a placement of an item that is not customarily used or stored outside, or that is made of material that is not weather resistant, in an unenclosed outdoor area for more than 24 continuous hours.

Open storage is prohibited in the front yard, on a front porch, under a carport, or any other unenclosed area. Items stored in this manner are considered a public nuisance if they are visible from a public place or public right-of-way.

Staff became aware of a large backhoe stored in the driveway of a residential property. No ordinance currently exists to regulate this type of equipment storage.

Staff proposes an amendment to read:

A5. It is an offense for the owner, occupant, or person in charge of a residential property to: park, stand, or store any farm equipment or light or heavy construction equipment in any residentially zoned area within the city for more than seven consecutive days in a 180-day period, unless the equipment is being used in conjunction with an active construction project and on the property where a building permit has been issued, and construction is in progress.

Motion by Mr. Sauma, seconded by Ms. Franklin to adopt Ordinance No. 1394 amending Title 8 of the Benbrook Municipal Code by amending Chapter 8.08.010, Section A, by adding: Number 4: Open Storage and Number 5: Equipment Storage.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1394 being "AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS AMENDING TITLE 8 OF THE BENBROOK MUNICIPAL CODE BY AMENDING CHAPTER 8.08 OF THE BENBROOK MUNICIPAL CODE, BY AMENDING SECTION 8.08.010, SECTION A, BY ADDING NUMBER 4 – OPEN STORAGE AND BY ADDING NUMBER 5 – EQUIPMENT STORAGE; AND 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 4

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any 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 7

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

G-2227 Ratify appointment to Civil Service Commission

Joanna King gave the following report: State law requires the City Manager to make appointments to the City's Police Civil Service Commission with those appointments confirmed by City Council.

The Commission consists of three members serving in staggered terms. Presently, two positions are vacant due to term limits and one position is vacant due to the member moving from the City.

The City Manager has made the following appointments:

Keith Bailey to serve a term ending January 20, 2019
Ron Dilulio to serve a term ending January 20, 2018
Steve Adams to serve a term ending January 20, 2017

Motion by Mr. Washburn, seconded by Mr. Allison to confirm the appointments to the Civil Service Commission.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2228 Approve Sanitary Control Easement to Benbrook Water Authority, 1203 Wade Hampton St., Lot 2, Block 13 Benbrook Lakeside Addition

This item removed from agenda by Benbrook Water Authority.

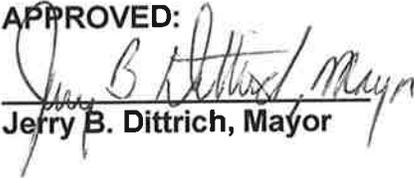
VII. INFORMAL CITIZEN COMMENTS

VIII. COUNCIL MEMBER AND STAFF COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 8:01 p.m. followed by worksession to hear presentation by private investment group contemplating assumption of Whitestone Golf Course lease.

APPROVED:


Jerry B. Dittrich, Mayor

ATTEST:


Joanna King, City Secretary