



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 19, 2018**

The regular meeting of the Benbrook City Council was held on Thursday April 19, 2018 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Jim Hinderaker, Assistant City Manager  
Bennett Howell, Public Services Director  
Hillary Cromer, EDC Management Analyst  
Sherri Newhouse, Finance Director  
Alex Busken, Management Analyst

Others Present:

Bill Smith  
Tammi Cauthen  
and 5 other citizens

**I. CALL TO ORDER**

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

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Invocation given by Elder Cheryl Walker of Restoration Family Church.  
The Pledge of Allegiance was recited.

### III. MINUTES

#### 1. Minutes of the regular meeting held April 5, 2018

Motion by Dr. Marshall, seconded by Ms. Franklin to approve the minutes of the regular meeting held April 5, 2018.

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. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

#### **EDC-2015-02 Approve amendment to Interlocal Agreement for Wastewater Construction Services (NW Winscott Sanitary Sewer)**

Hillary Cromer gave the following report: In 2014, as part of a project swap agreement with Cassco Land Co. (Edward's family), the Benbrook Economic Development Corporation (BEDC) obtained two tracts of commercial land, totaling 12.6 acres in the NW Winscott Addition. In February 2017, as aligned with the BEDC commitment to prepare the property for quality development, the BEDC entered into an Interlocal Agreement for Wastewater Construction Services with the Benbrook Water Authority (BWA) to provide sanitary sewer services with enough capacity to spur development of EDC's 12.6 acres, the adjacent 3.2 acres to the west, and 13+ acres of undeveloped commercial parcels to the west of U.S. 377.

The cost to BEDC for construction, design engineering services, and administrative oversight of the project was approved by the BEDC board of directors and Benbrook City Council at an amount not to exceed \$801,650.

Recent development proposals for the area include higher density mixed-use scenarios than were originally modeled, and has created a need for BWA engineers to recalculate flow analysis. In order to fully accommodate a revised development scenario, a segment of the proposed wastewater connection will need to be enlarged, thus increasing overall costs of the project.

The EDC's obligation to reimburse BWA the total cost for the facilities; including design revisions, bid phase services, permitting, and construction costs is now a not-to-exceed amount of \$907,360. This is a \$105,710 increase.

The amendment to the original agreement has been reviewed and approved by our city attorney.

At their April 16, 2018 regular meeting, the BEDC board of directors approved this project and is seeking City Council ratification.

Motion by Mr. Allison, seconded by Mr. Washburn to approve the amendment to Interlocal Agreement with Benbrook Water Authority for Wastewater Construction Services (NW Winscott Sanitary Sewer), and approve a budget adjustment of \$110,000 for the proposed increase in project costs, plus any incidentals.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**EDC-2018-03            Approve agreement for professional services with Schrikel, Rollins and Associates for General Engineering Consulting Services for NW Winscott Addition**

Hillary Cromer gave the following report: In 2014, as part of a project swap agreement with Cassco Land Co. the Benbrook Economic Development Corporation (BEDC) obtained two tracts of commercial land, totaling 12.6 acres in the NW Winscott Addition. The property offers commercial frontage opportunity, and the BEDC is committed to investing in activities that prepare the property for development, to include projects related to utilities, access, traffic circulation and safety, signage, topography, and zoning/development issues.

BEDC's goal is to prepare the NW Winscott property for quality development by offsetting the costs of addressing some of the unique challenges of the property, and by easing the process and resolving issues a developer may encounter in attempting to ready the property for development. To date, BEDC has invested in the following activities on NW Winscott: agreement for sanitary sewer service, an engineering evaluation, a real estate appraisal, traffic counts, tree survey/removal, site clearing/gates, an environmental study, a sign study, and obtaining significant fill dirt required per the engineering evaluation.

In discussion with City Staff, BEDC was made aware that a requirement of any developer is to secure safe and adequate ingress and egress to the property; a particular challenge on this site. The Texas Department of Transportation (TxDOT)

has forwarded comments on permissible access within their right-of-way along the westbound frontage road of IH-20/IH 820, but no studies have been conducted to address traffic along northbound and southbound Benbrook Boulevard/U.S. 377, as it relates to access to the proposed development. This is best accomplished by conducting a traffic engineering evaluation, to include a Traffic Impact Analysis (TIA).

BEDC staff has engaged Shrickel, Rollins, and Associates to draft an Agreement for Professional Services to conduct an engineering evaluation to include a TIA, offer routing alternatives, and seek Texas Department of Transportation (TxDOT) approval on any potential roadway project determined to further development possibilities on the NW Winscott property. The Agreement, including the scope of services is attached, and the cost for services is not to exceed \$45,163.

At their April 16, 2018 regular board meeting, the BEDC board approved this project and is seeking City Council ratification.

Motion by Dr. Marshall, seconded by Mr. Sauma to approve the Agreement for Professional Services with Schrikel, Rollins, and Associates for General Engineering Consulting Services for NW Winscott Addition, and approve a budget adjustment of \$46,000 to be available for this project.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

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

### **PZ-2018-03**

#### **Z-1803**

**Adopt Ordinance rezoning 124 Del Rio Street, a 0.26-acre parcel described as Lot 14, Block 7, Benbrook Estates Addition, from "B" One-Family to "CR" Multi-Family (located northeast of the intersection of Mercedes Street and Benbrook Boulevard (Highway 377))**

Jim Hinderaker gave the following report: This lot is part of the Benbrook Estates subdivision, platted in 1946. The current owner has authorized Mr. Kutchinski to move forward with the rezoning case in hopes of purchasing the lot, razing the existing home, and building a duplex.

There have been approximately 9 rezoning approvals in the neighborhoods surrounding 124 Del Rio Street. In each of the referenced rezoning cases, the

applicants have asked City Council to rezone the properties to the "CR" Multiple-Family Restricted District with the intent of building duplexes.

The request is consistent with the City's Comprehensive Plan and compatible with the surrounding development and zoning districts. The property fronts onto Del Rio Street and has access to water, sewer and power.

Mayor Dittrich opened the public hearing at 7:43 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:43 p.m.

Motion by Mr. Allison, seconded by Ms. Franklin to adopt Ordinance No. 1424 rezoning 1234 Del Rio Street, a 0.26-acre parcel described as Lot 14, Block 7, Benbrook Estates Addition from "B" One-Family to "CR" Multi-Family.

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. 1424 being "AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 0.265 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 14, BLOCK 7, BENBROOK ESTATES ADDITION TARRANT COUNTY, BENBROOK, TEXAS FROM "B" ONE-FAMILY DISTRICT TO "CR" MULTIPLE-FAMILY RESTRICTED DISTRICT AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; 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 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 11 EFFECTIVE DATE

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

### **PZ-2018-04**

**ZTA-18-01 Adopt Ordinance amending Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, by amending Sections 17.24.022 – Permitted Uses and 17.24.024 – Conditional Uses of Chapter 17.24 – “CF” Community Facilities District to move installations for public safety, governmental services, or the furnishing of utility services, from the conditional uses list to the permitted uses list**

Jim Hinderaker gave the following report: Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas, or Public Utility Companies, necessary for the public safety, governmental services, or the furnishing of utility services currently require Conditional Use Permit (CUP) approval from the Planning and Zoning Commission. This requirement includes uses such as Police or Fire Department buildings and other municipal facilities, Benbrook Water Authority facilities and other public utility facilities. Staff proposes to amend Title 17 to allow installations owned and operated by the City of Benbrook to be a permitted use by right in the “CF” zoning district, which would not require approval by the Planning and Zoning Commission.

Existing public utility sites will be permitted to make minor cumulative expansions, up to 30%, without the requirement for a CUP. New accessory buildings, not increasing the existing building footprint of structures by more than 30% will be permitted without the requirement for a CUP. New public utility facilities, such as a water tower, will continue to require CUP approval by the Planning and Zoning Commission.

Staff provides the following analysis for allowing installations for public safety, governmental services, or the furnishing of utility services, within the CF district, as a permitted use:

- The purpose of the CF district was established to provide for the health, safety, and welfare of the community. Said installations, as demonstrated within the Benbrook Comprehensive Plan, are community facilities and provide for the health, safety and welfare of the community.
- Previous versions of the zoning ordinance allowed for public safety facilities as a use by right and required Special Exceptions for public utility facilities.
- By City Council action, it may be necessary to expand or create a new municipal facility. Because these facilities are approved by City Council, additional

approval by the Planning and Zoning Commission is redundant and unnecessary.

- As Benbrook grows, public utility facilities may need to make changes to an existing site in order to supply the necessary services to the communities they serve. Staff believes, as long as building codes and zoning ordinances are followed, a CUP would be unnecessary for an established facility. A CUP approval for minor changes would unreasonably delay the process of providing the necessary services to the community. A CUP would still be required for new public utility facilities.
- The proposed amendment is for the CF district only. No other zoning districts are affected.
- All new buildings or expansions are required to obtain building permits, which are reviewed for compliance with City ordinances and building codes.

Mayor Dittrich opened the public hearing at 7:46 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:47 p.m.

Motion by Mr. Washburn, seconded by Dr. Marshall to adopt Ordinance No. 1425 amending Title 17 – Zoning of the Benbrook Municipal code.

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. 1425 being “AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 17.24 – “CF” COMMUNITY FACILITIES DISTRICT; 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 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 11 EFFECTIVE DATE**

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

**PZ-2018-05**

**Z-18-04**

**Adopt Ordinance amending the Benbrook Municipal Code by amending Title 17 – Zoning by establishing Chapter 17.79 – Benbrook Boulevard Corridor Overlay District and amend Title 15 – Buildings and Construction by establishing Chapter 15.60, adopting the 2015 Edition of the International Property Maintenance Code to establish exterior maintenance regulations for non-residential properties within the overlay district**

Jim Hinderaker gave the following report: This ordinance establishes the Benbrook Boulevard Corridor Overlay District (the District) through the adoption of a number of land use regulations that will prohibit or restrict inappropriate land uses detrimental to desired new development and redevelopment along Benbrook Boulevard (U.S. Highway 377). The District consists of approximately 320 acres of commercially zoned land located along the Benbrook Boulevard corridor between Winscott Road and approximately 1,500 feet north of I.H. 20/820. Staff believes these regulations are necessary to enhance the overall quality and compatibility of development and to secure the long-term aesthetic and economic value of the corridor.

To ensure business owners and operators were aware of the proposed corridor overlay, Staff sent written notice of the proposal to all property owners and business operators within the corridor. In addition, Staff conducted individual site visits to meet one on one with business operators. The City held an Open House on March 6, 2018 wherein business owners and operators had an opportunity to review and comment on the proposed corridor overlay.

The following summarizes the key elements of the ordinance:

1. The overlay district will apply to all nonresidential properties located along the Benbrook Boulevard (U.S. Highway 377) corridor between Winscott Road and approximately 1,500 feet north of I-20.
2. Certain land uses are prohibited and other uses will require a conditional use permit.
3. Outdoor storage will be permitted on up to 10% of the property or 10,000 sqft, whichever is less. A storage area is permitted in the rear and interior side yards only and must be screened by an 8ft tall masonry wall. Any deviation from



minimum standards is possible with an approved Conditional Use Permit from the Planning and Zoning Commission.

4. Outdoor storage will be permitted along the front façade of the primary building. Additional outdoor storage will be permitted in an integral outdoor storage area that is attached to the primary building. Any deviation from minimum standards is possible with an approved Conditional Use Permit from the Planning and Zoning Commission.
5. Donation boxes and self-service kiosk businesses will be prohibited.
6. Commercial buildings that are 5,000 sqft or less in total area will be required to meet the same minimum architectural standards of the Municipal Code as buildings larger than 5,000 sqft.
7. Pole signs, pylon signs, and temporary signs (except as authorized via a temporary use permit) will be prohibited.
8. Temporary uses will be limited to a maximum of 90 days over 3 occurrences per a 12-month period. Each occurrence is limited to 30 days up and then a required 30 days down before the next occurrence is permitted.
9. Reoccurring seasonal sales will be permitted with a Conditional Use Permit from the Planning and Zoning Commission.
10. Legal non-conforming uses will be “grandfathered”.
11. Existing non-conforming outdoor storage and display, seasonal sales uses will be allowed to continue and will be granted a Conditional Use Permit once the property owner and staff have established a mutually agreed plan that meets the intent of the Ordinance.

Staff sent out Legal notifications in accordance with State Law and City Ordinance. Staff has not received any formal letters of support or opposition to the zone change.

The Planning and Zoning Commission recommends approval to the City Council of the proposed Benbrook Boulevard Corridor Overlay District Ordinance as presented with the following changes:

- The definitions of any sort of Auto/Truck Rental to include trailers, tires, and wheels/rims.
- To add the following to the prohibited uses section:
  - Bingo Parlors
  - Liquor Stores
- Thrift Stores (receiving merchandise from donations) removed from the conditional use section and added to the prohibited uses section.
- The definition of Sexually Oriented Business to include stores that sell novelty sex items.

Mayor Dittrich opened the public hearing at 8:02 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:02 p.m.

Motion by Mr. Allison, seconded by Mr. Washburn to adopt Ordinance No. 1426 amending Title 17 – Zoning by establishing Chapter 17.79-Benbrook Boulevard Corridor Overlay District and amend Title 15-Buildings and Construction by establishing Chapter 15.60, adopting the 2015 edition of the International Property Maintenance Code to establish exterior maintenance regulations for non-residential properties within the overlay district.

Vote on the Motion:

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

Noes: Mr. Sauma

Motion carries 6-1.

**Ordinance No. 1626 being “AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 17 – ZONING OF THE BENBROOK MUNICIPAL CODE, AS AMENDED, BY ESTABLISHING CHAPTER 17.79 – BENBROOK BOULEVARD CORRIDOR OVERLAY DISTRICT (the DISTRICT) OF THE BENBROOK MUNICIPAL CODE; BY ESTABLISHING A BOUNDARY AND APPLICABILITY SECTION, ESTABLISHING LAND USE AND DEVELOPMENT STANDARDS, ESTABLISHING PROVISIONS FOR EXISTING OR PENDING CONFORMING, LEGAL NON-CONFORMING OR NON-CONFORMING USES, AND ESTABLISHING AN ADMINISTRATIVE SITE PLAN REVIEW PROCESS; AND FURTHER ESTABLISHING CHAPTER 15.60 ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; 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 5 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 12  
EFFECTIVE DATE**

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

**VI. REPORTS FROM CITY MANAGER**

**G-2347      Accept finance report for period ending March 31, 2018**

Sherri Newhouse gave the following report: General Fund revenues for the month of March were \$1,155,288. Property tax collections were \$137,114. Franchise fee revenue from the City's electric provider was \$713,204. Sales tax collected in February 2018 but received by the City and recognized as revenue in March 2018 was \$169,346 for the month. General Fund revenues collected through the end of March were \$14,146,417 or 74.69 percent of the budget.

General Fund expenditures for the month of March were \$1,226,967. General Fund expenditures to date do not include \$2,000,000 in scheduled transfers; these transfers, approved by the City Council in the adoption of the annual budget for 2017-18, will be made prior to September 30, 2018. The year-to-date expenditures for the 2016-17 fiscal year include transfers of \$1,360,000. Expenditures through the end of March were \$7,775,449 or 39.24 percent of the adopted budget.

For the 2017-18 fiscal year-to-date, total General Fund revenues of \$14,146,417 exceeded General Fund expenditures of \$7,775,449 by \$6,370,968.

Debt Service revenues collected for the month of March 2018 totaled \$6,156; all revenue was from property taxes. There were no Debt Service expenditures for March. Total revenues for 2017-18 in the amount of \$486,476 were exceeded by total expenditures of \$1,437,015 by \$950,539.

EDC revenues as of March 31, 2018 were \$608,044. Revenue was from the EDC's portion of sales tax and interest on investments. EDC expenditures through the end March were \$264,309. EDC revenues for the year exceeded EDC expenditures by \$343,735.

Total revenues received through March 31, 2018 for the Capital Projects Fund were \$213,462 from Stormwater Utility fees and interest earnings. Total expenditures for the Capital Projects Fund were \$2,013,555 through the end of March 2018. March expenses, in the amount of \$369,345, were for the following projects: Plantation West Drainage, Timberline Creek Drainage, Floodplain Study, Vista Way Project, Capital Facilities, and the Animal Shelter. Total expenditures exceeded total revenues by \$1,800,093. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On March 31, 2018, the City had \$25,387,332 invested at varying interest rates; the EDC had \$6,550,701 available.

Motion by Mr. Washburn, seconded by Ms. Franklin to accept the finance report for the period ending March 31, 2018.

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-2348      Adopt Resolution continuing participation in Steering Committee of Cities served by Oncor**

Sherrri Newhouse gave the following report: The City of Benbrook, Texas is a member of a 162-member city coalition known as the Steering Committee of Cities Served by Oncor.

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over two decades.

Membership is assessed at eleven cent (\$0.11) per capita fee to fund the activities of the Steering Committee. For 2018, the City of Benbrook's assessment is \$2,524.28 based on a population of 22,948.

Motion by Dr. Marshall, seconded by Mr. Allison to adopt Resolution 2018-04 authorizing continued participation with the Steering Committee of Cities Served by Oncor and authorize the payment of \$2,524.28 to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**Resolution No. 2018-04 being “A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC. “**

**G-2349 Adopt Resolution denying Oncor Distribution Cost Recovery Factor Filing**

Sherrri Newhouse gave the following report: On April 5, 2018, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an Application for Approval of a Distribution Cost Recover Factor (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. In the filing, Oncor asserts that it is seeking an increase in distribution revenues of \$19,002,177.

The resolution under consideration authorizes the City of Benbrook to join with the Steering Committee of Cities Served by Oncor (“OCSC”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The purpose of the Resolution is to deny the DCRF application proposed by Oncor.

Motion by Mr. Wilson, seconded by Mr. Sauma to adopt Resolution No. 2018-05 denying the DCRF application proposed by Oncor.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**Resolution No. 2018-05 being “A RESOLUTION OF THE CITY OF BENBROOK, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC’S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25..243**

TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

**VI. INFORMAL CITIZEN COMMENTS**

Tammi Cauthen reminded citizens of the Relay for Life event to be held April 20, 2018 at Benbrook Middle-High School beginning at 6:00 p.m.

**VII. COUNCIL MEMBER AND STAFF COMMENTS**

**VIII. ADJOURNMENT**

Meeting adjourned at 8:27 p.m.

APPROVED:

  
Jerry B. Dittrich, Mayor

ATTEST:

  
Joanna King, City Secretary