



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, JUNE 7, 2018**

The regular meeting of the Benbrook City Council was held on Thursday June 7, 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  
Jim Wilson  
Mark Washburn

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Jim Hinderaker, Assistant City Manager  
Rick Overgaard, Finance Director  
Cathy Morris, EDC Director  
Hillary Cromer, EDC Management Analyst

Others Present:

Bill Smith  
Michelle Santarelli  
Graham Moore  
John Vvbanac  
Don Lanza  
Cleat Singler  
Michelle Thomas  
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 Dr. Larry Marshall, Councilmember.  
The Pledge of Allegiance was recited.

**III. MINUTES**

**1. Minutes of the regular meeting held May 17, 2018**

Motion by Mr. Washburn, seconded by Dr. Marshall to approve the minutes of the regular meeting held May 17, 2018.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**IV. CITIZEN PRESENTATION**

**1. Michelle Santarelli – Discuss Texas Senate Bill 1004 relating to 5G Millimeter Wave Technology**

Michelle Santarelli spoke to City Council addressing the potential health hazards of 5G Millimeter Wave Technology.

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

**PZ-2018-06**

**Z-18-05**

**Adopt Ordinance rezoning a 7.185-acre parcel out of the James Rogers Survey, addressed as 7300 SW Loop 820, from “PD” Planned Development District to “PD” Planned Development District for a proposed Audi New Vehicle Inventory Lot, generally located on the north side of I.H. 20/820, between Hawking Center Drive and Winding Way**

Jim Hinderaker gave the following report: Group 1 Automotive seeks zone change approval necessary to develop this 7.185-acre site as a new vehicle inventory lot. The inventory lot is an integral operational component of the Audi Showroom and Service Center, which is proposed to be located immediately to the west of the subject site. The proposed inventory lot will be used to store only new Audi vehicle inventory to support the adjacent Audi dealership.

On July 20, 2006, the City Council rezoned the subject parcel from “A” One-Family District to “PD” Planned Development District (Ord. 1212). Due to strong opposition from the Ridglea Country Club Estates Home Owner’s Association (Ridglea HOA),

the "PD" was limited to only allow for the following range of commercial uses deemed compatible with adjacent residential development:

- Antique Shops
- Barber and beauty shops
- Book or stationary stores, or news stands
- Bicycle shops and bicycle repair shops
- Blueprinting and photo-stating
- Dancing schools
- Day care nurseries and kindergartens
- Health service facilities
- Financial institutions
- Florist or gift shops
- Health and physical fitness centers
- Jewelry stores, optical goods
- Museums, libraries, fine arts centers, community centers, etc.
- Offices
- Photograph, portrait, or camera shops
- Musical instruments and supply stores
- Studios for artists
- Tailor

While not required as part of this zone change development process, in early 2018, Group 1 Automotive met several times with members of Ridglea HOA to inform and gather comments regarding their development proposal. The HOA expressed concerns about the visual impact, light pollution and noise pollution the vehicle inventory development would have on the neighboring home owners. To mitigate these concerns, the HOA has asked that the following four elements be added to any zone change approval:

1. Increase the landscape buffer along the eastern property line from 10 feet to 20 feet.
2. Allow the masonry screening wall to wrap around existing trees as necessary to preserve trees located on or near the shared property line.
3. The screening wall shall be an 8-foot tall masonry wall constructed of integral color (light beige), split-face concrete masonry unit (CMU) block.
4. All required trees planted within the eastern landscape buffer shall be a minimum of 4 caliper inches dbh and a minimum of 10 feet in height at the time of planting.

Group 1 Automotive has agreed to include all of the HOA's recommended mitigation measures as development standards within the PD ordinance.

## **Overlay District**

The property is also partly located within the City's "NAS" (Naval Air Station) Overlay District. The "NAS" overlay prohibits new residential development and requires greater sound mitigation standards for commercial construction. The Regional Coordination Committee for the Naval Air Station Joint Reserve Base has reviewed the request and provided a letter to staff stating that the proposed development is consistent with the Joint Land Use Study.

The applicant has provided a PD Booklet which provides details about the proposed development. Key development standards include:

1. Permitted uses
2. Minimum Dimensional Standards
3. Architecture Standards
4. Parking Standards
5. Landscaping and Screen Standards

## **Wetlands Investigative Study**

At the request of the applicant, Halff Associates performed an investigative study for an aquatic feature located within this site. An open water feature was found near the center of the tract with no apparent tributary or outfall. Because the open water feature has no connection with any stream features, it is considered to be an isolated man-made water feature that is not considered a water of the United States. Halff has stated that filling the feature should not be an issue; however, staff is requiring confirmation, in writing, from the appropriate State or Federal regulatory agency, ensuring that the water feature may be filled.

## **Subdivision Regulations**

Prior to development, the property shall be platted in compliance with the City's subdivision regulations, Title 16 of the Benbrook Municipal Code.

## **Site Plan**

A conceptual site plan has been provided by the applicant and is contained within the attached PD Booklet. Pending approval of this zone change request and prior to construction, the applicant will be required to submit a site plan application for review and approval by the Community Development Department. This review process will ensure that the proposed development complies with the approved landscaping, screening, and other developmental standards contained within the PD ordinance.

At their May 10, 2018 meeting, the Planning and Zoning Commission recommended approval by the City Council to rezone the subject property from

“PD” Planned Development to a “PD” Planned Development for a new vehicle inventory lot.

Mayor Dittrich opened the public hearing at 7:53 p.m.

Mr. Don Lanza requested the developer begin the grading at the east property line and then grade away from the residential neighbors to prevent animals from being pushed into the residential neighborhood and to build the screen wall early in the development to minimize the impact of construction.

Graham Moore, representative of Group I advised that they would be in agreement to the two additional conditions.

Mr. Cleat Singler asked questions regarding a noise study, removal of trees and the existing powerline.

Mayor Dittrich closed the public hearing at 8:03 p.m.

Motion by Mr. Washburn, seconded by Ms. Franklin to adopt Ordinance No. 1427 rezoning the subject property from “PD” Planned Development to a “PD” Planned Development for a new vehicle inventory lot.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1427 being: **“AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 7.185 ACRES OF LAND OUT OF THE JAMES ROGERS SURVEY, AS MORE THOROUGHLY DESCRIBED BELOW, CITY OF BENBROOK, TARRANT COUNTY, TEXAS, FROM “PD” PLANNED DEVELOPMENT DISTRICT (ORDINANCE NO. 1212) TO “PD” PLANNED DEVELOPMENT DISTRICT FOR A NEW AUDI VEHICLE INVENTORY LOT 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; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**SECTION 9  
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. RECESS INTO EXECUTIVE SESSION – Pursuant to Texas Government Code Section 551.087, Deliberation Regarding Economic Development Negotiations**

**1. Potential Incentives for Commercial Developer**

Mayor Dittrich closed the regular meeting at 8:06 P.M. for an Executive Session pursuant to Texas Government Code Section 551.087, Deliberation regarding Economic Development Negotiations

**VII. RECONVENE INTO REGULAR SESSION – Action from Executive Session**

Mayor Dittrich reconvened the regular meeting at 8:26 p.m. No action taken from Executive Session

**VIII. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION**

**EDC-2018-02      Approve amendment to Economic Development and Performance Agreement between the Benbrook Economic Development Corporation and S.J. Bryant Irvin Commercial Development, L.P.**

Cathy Morris gave the following report: In 2017, the Benbrook Economic Development Corporation (BEDC) board of directors and Benbrook City Council approved an Economic Development and Performance Agreement with S.J. Bryant Irvin Commercial Development, LP, (Steve Hawkins) to pay for targeted infrastructure that promotes new or expanded business enterprise, as allowed by Section 501.103 of the Development Corporation Act of the Texas Local

Government Code. An amount of \$350,000 was made available as reimbursement to Steve Hawkins for infrastructure expenses related to developing an appropriate commercial site suitable for a full-service restaurant. Reimbursement of infrastructure expenses allows Mr. Hawkins to incentivize site improvements to recruit a desirable restaurant tenant.

A common concern expressed by potential restaurant tenants is one of uncertainty that the market will sustain their business. While BEDC strongly believes that our market offers a large and growing retail trade area, exceptional traffic counts, new rooftops, and high median family income, Benbrook is considered an 'untested market' by those in the industry.

As aligned with the BEDC strategic plan, the BEDC board wishes to utilize resources in ways that maximize economic development within our community. The BEDC board, by approving the 2017 developer agreement, believed that incentivizing the 8501 Benbrook Boulevard development will increase the taxable value of the property, will directly and indirectly result in the creation of jobs, will increase sales tax revenue, and will ultimately pay high dividends in the form of increased interest in our market and overall development within the city.

In an attempt to craft creative solutions to the challenge of restaurant recruitment, the BEDC board approved an amendment to the developer agreement with S.J. Bryant Irvin Commercial Development, LP at their May 21, 2018 regular meeting, and is now seeking City Council approval. The amendment (attached) allows repayment of a promissory note dated 12/13/2011 with Steve Hawkins in the amount of \$266,666.67, currently owed to the BEDC, to be made available as additional incentive at 8501 Benbrook Boulevard, for a total of \$616,666.67 to be available as incentive for a BEDC-approved restaurant.

BEDC staff and the 8501-listing agent are in negotiation with potential desirable restaurateurs who have expressed that an additional financial incentive is required to offset their substantial business investment in the market. BEDC board members have expressed that they believe the first desirable, proven full-service restaurant offering a quality product and acceptable price point will be successful, and spur interest from others who may have avoided the market. As a landlocked community, the BEDC board can determine that this expenditure is required for the promotion of new business enterprise.

A public hearing was conducted at the May 21, 2018 BEDC regular board meeting, with no public comment regarding this item.

Motion by Dr. Marshall, seconded by Mr. Wilson to approve the amendment to the Economic Development and Performance Agreement between the Benbrook Economic Development Corporation and S.J, Bryant Irvin Commercial Development, LP, allowing addition incentive to be made available to recruit a restaurant at 8501 Benbrook Boulevard.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

## **IX. REPORTS FROM CITY MANAGER**

### **A. GENERAL**

#### **G-2353 Accept finance report for period ending April 30, 2018**

Rick Overgaard gave the following report: General Fund revenues for the month of April were \$488,755. Property tax collections were \$63,148. Franchise fee revenue from the City's electric provider was \$6,823. Sales tax collected in March 2018 but received by the City and recognized as revenue in April 2018 was \$147,291 for the month. General Fund revenues collected through the end of April were \$14,766,855 or 78 percent of the budget.

General Fund expenditures for the month of April were \$1,551,491. 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 April were \$9,498,086 or 47.93 percent of the adopted budget.

For the 2017-18 fiscal year-to-date, total General Fund revenues of \$14,766,855 exceeded General Fund expenditures of \$9,498,086 by \$5,268,769.

Debt Service revenues collected for the month of April 2018 totaled \$2,835; all revenue was from property taxes. There were no Debt Service expenditures for April. Total revenues for 2017-18 in the amount of \$489,310 were exceeded by total expenditures of \$1,437,015 by \$947,705.

EDC revenues as of April 30, 2018 were \$680,955. Revenue was from the EDC's portion of sales tax and interest on investments. EDC expenditures through the end April were \$271,333. EDC revenues for the year exceeded EDC expenditures by \$409,622.

Total revenues received through April 30, 2018 for the Capital Projects Fund were \$401,911 from Stormwater Utility fees and interest earnings. Total expenditures for the Capital Projects Fund were \$2,463,058 through the end of April 2018. April expenses, in the amount of \$449,503, were for the following projects: Plantation West Drainage, Timberline Creek Drainage, Floodplain Study, Vista Way Project and the Animal Shelter. Total expenditures exceeded total revenues by



\$2,061,147. 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 April 30, 2018, the City had \$23,405,964 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 April 30, 2018.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**X. INFORMAL CITIZEN COMMENTS**

**XI. COUNCIL MEMBER AND STAFF COMMENTS**

**XII. ADJOURNMENT**

Meeting adjourned at 8:34 p.m.

**ATTEST:**

  
Joanna King, City Secretary

**APPROVED:**

  
Jerry B. Dittrich, Mayor