

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, APRIL 4, 2019
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM
1. Review and discuss agenda items for regular meeting
REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

II. INVOCATION

PLEDGE OF ALLEGIANCE

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held March 21, 2019

Documents:

[CC MINUTES-03-21-19.PDF](#)

IV. PROCLAMATIONS/AWARDS/RECOGNITION

1. Proclamation - Child Abuse Prevention Month

V. PRESENTATION BY MAYOR AND MEMBERS OF COUNCIL

CC-2019-01 Reschedule July 4, 2019 Regular City Council Meeting Date

Documents:

[MEMO CHANGE MEETING DATE JULY 2019.PDF](#)

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2019-01 ZTA-19-01

Adopt Ordinance amending Title 17 – Zoning of the Benbrook Municipal Code, as amended, by amending Additional Design Requirements of:
Chapter 17.28 – “SD” Suburban District, Section 17.28.032;
Chapter 17.32 – “RE” Residential Estate District, Section 17.32.032;
Chapter 17.36 – “A” One-Family District, Section 17.36.032;
Chapter 17.40 – “B” One-Family District, Section 17.40.032; and
Chapter 17.44 – “BR” One-Family Reduced District, Section 17.44.032 to allow the minimum roof pitch for a principal residential addition to match the predominant roof pitch of the existing principal residential building;

and amending Additional Design Requirements of:

Chapter 17.48 – “CR” Multiple-Family Restricted District, Section 17.48.032 to allow for a minimum roof pitch of 4:12 for standing seam metal roofs to meet the same material standards as the one-family zoning districts and to allow the

minimum roof pitch for a principal residential addition to match the predominant roof pitch of the existing principal residential building (Public Hearing)

Documents:

[PZ-2019-01 TITLE 17 AMENDMENT - RESIDENTIAL ROOF PITCH.PDF](#)
[PZ-2019-01 ORDINANCE AMENDING TITLE 17 - RESIDENTIAL ROOF PITCH.PDF](#)

VII. REPORTS FROM CITY MANAGER

A. CONTRACT

C-323 Award Contract To Reytech Services, LLC For The Chapin And Van Deman Drainage Projects

Documents:

[C-323 CHAPIN AND VAN DEMAN DRAINAGE.PDF](#)

VIII. INFORMAL CITIZEN COMMENTS

State Law Prohibits Any Deliberation Of Or Decisions Regarding Items Presented In Informal Citizen Comments. City Council May Only Make A Statement Of Specific Information Given In Response To The Inquiry; Recite An Existing Policy; Or Request Staff Place The Item On An Agenda For A Subsequent Meeting. The Exception To Informal Comments Is That Once An Election Date Has Been Set By City Council Comments Relative To Elections Will Not Be Broadcast On The City's Cable Channel. However, A Copy Of The Tape Containing Citizens' Comments Will Be Available At City Hall For Review Or Purchase By Interested Citizens

IX. COUNCIL MEMBER AND STAFF COMMENTS

– Announcements From City Councilmembers And City Staff May Be Made For Items To Include: Expression Of Thanks; Congratulations; Condolence; Recognition Of Public Officials, Employees Or Citizens; Information Regarding Holiday Schedules; Reminders Of Community Events Or Announcements Involving An Imminent Threat To The Public Health And Safety Of The Municipality That Has Arisen After The Posing Of The Agenda. No Discussion Or Formal Action May Be Taken On These Items At This Meeting.

X. ADJOURNMENT



**MINUTES OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MARCH 21, 2019**

The regular meeting of the Benbrook City Council was held on Thursday March 21, 2019 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
Laura Mackey
Dustin Phillips
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jim Hinderaker, Assistant City Manager
Rick Overgaard, Finance Director
Tommy Davis, Fire Chief

Others Present:

Bill Smith
Steven Wilson
Stephanie Gonzales
Jackie Wilson
Marshall Lehman, Boy Scout Troop 720
Blake Brown, Boy Scout Troop 720
Liam Callahan, Boy Scout Troop 720
Lucas Callahan, Boy Scout Troop 720
Scott Cooper, Boy Scout Troop 720
Greg Lehmann

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 Councilmember Renee Franklin.

The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held March 7, 2019

Motion by Dr. Marshall, seconded by Mr. Sauma to approve the minutes of the regular meeting held March 7, 2019.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Phillips, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. REPORTS OF CITY MANAGER

A. GENERAL

G-2404 Accept finance report for period ending February 28, 2019

Rick Overgaard gave the following report: General Fund revenues for the month of February were \$2,271,127. Property tax collections were \$1,656,783, and franchise taxes were \$110,596. Property tax revenues continue to be collected, but at a much slower rate as taxes were due February 1st. Sales tax collected and recognized as revenue in February 2019 was \$205,387. General Fund revenues collected through the end of February were \$13,679,112 or 67.6 percent of the budget.

General Fund expenditures for the month of February were \$1,351,028. Expenditures through February were \$7,749,555 or 36.9 percent of the adopted budget.

For the 2018-19 fiscal year-to-date, total General Fund revenues of \$13,679,112 exceeded General Fund expenditures of \$7,749,555 by \$5,929,557.

Debt Service revenues for the month of February totaled \$88,634 and are all from property tax. There were no expenditures for February. The next debt service payments will occur in July 2019.

EDC revenues as of February 28, 2019, were \$1,291,042. Most of the revenue was from the sale of land. EDC expenditures through the end of February were \$282,827. Total revenues exceeded total expenditures by \$1,008,215.

Total revenues received through February 28, 2019 were \$978,884 from Stormwater Utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were 2,238,348 through the end of February 2019. February expenditures were for the following projects: Vista Way, Clearfork Emergency Access Bridge, and Animal Shelter. Total expenditures exceeded total revenues by \$1,259,464. 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 February 28, 2019, the City had \$21,810,633 invested at varying interest rates; the EDC had \$5,809,359 available.

Motion by Ms. Franklin, seconded by Ms. Mackey to accept the finance report for the period ending February 28, 2019.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Phillips, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2405 Accept Comprehensive Annual Finance Report for fiscal year ended September 30, 2018

Rick Overgaard gave the following report: As required by Chapter 103 of the Texas Local Government Code, an independent audit of the City's accounts and records has been made by the certified public accounting firm of Weaver & Tidwell L.L.P. for the fiscal year ending September 30, 2018.

The audited financial statements or Comprehensive Annual Financial Report (CAFR), which include the auditor's unmodified or "clean" opinion on pages 1 – 2 of the CAFR is submitted for City Council's information and consideration.

The Benbrook CAFR includes several sections:

- Introductory Section, which is unaudited
- Financial Section, including:
 - Independent Auditors Report
 - Management Discussion and Analysis
 - Basic Financial Statements
 - Notes to the Financial Statements, and
 - Supplementary Information
- Statistical Section, which is unaudited

The current CAFR was prepared in accordance with generally accepted accounting principles as prescribed by the Governmental Account Standard Board (GASB). Staff anticipates that the City will receive a Certificate of Achievement for Excellence in Financial Reporting for the thirty-fourth consecutive year.

The City's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) governmental fund financial statements and, 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

1. The government-wide statements, which are found on pages 13-14 are designed to provide the reader with a broad overview of the City's finances, in a manner similar to a private-sector business. These statements include capital assets, long-term debt, and estimated future contributions associated with pension and other post-employment benefits.
2. The governmental fund financial statements focus on current sources and uses of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. These statements are much more useful in evaluating a government's near-term financial requirements and should be the focus of the City's fiscal year activities and financial health. These statements are on pages 15 and 17 of the CAFR.
3. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and the governmental fund financial statements. The notes to the financial statements can be found on pages 21 - 45.
4. In addition to the basic financial statements and accompanying notes, this report presents certain required supplementary information that can be found on pages 48 – 58.

FINANCIAL HIGHLIGHTS

- The General Fund ending fund balance at September 30, 2018 was \$8,629,590 and \$189,317 greater than budgeted.
- General Fund expenditures were less than the original budget of \$18,505,329 by \$1,093,386, or 5.9%. The Public Safety Departments, who make up over half the City's budget, accounted for nearly 33.4% of the savings, with General Government 30.6% of the savings. The remaining savings resulted from a combined effort of nearly every department spending less than the budget allocations.

- At the end of the fiscal year, the City's governmental funds had a total fund balance of \$23,469,561.
- Net position increased \$811,539 during fiscal year 2017-2018 to a healthy \$62,116,099 at September 30, 2018.

No budget adjustments are required.

CHANGES IN PREVIOUS YEARS

GASB 34 was enacted to provide a more comprehensive evaluation of a municipality's long-term financial position. Prior to GASB 34, cities looked only at deposits and investments. After GASB 34, cities are required to look at capital assets (buildings, roads, bridges, drainage improvements, etc.) and the depreciation of these assets. On September 30, 2018, the City's total capital assets were \$116,259,636 with a depreciation of \$61,230,930, leaving a net value of \$55,028,706.

The CAFR includes the GASB 54 requirements on the classifications of Fund Balance, found on page 13 of the Governmental Funds Statement of Net Position.

GASB 68 and amended GASB 71 requires local governments participating in defined benefit pensions to recognize their portion of the present value of the projected defined benefit payment to be provided through the pension plan. The City's pension plan is discussed in Note 6 of the financial statements. The actuarial report that is prepared for GASB's 68 and 71 indicates the City of Benbrook pension is a very healthy 91.72% funded.

Motion by Dr. Marshall, seconded by Mr. Phillips to accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2018.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Phillips, Mr. Sauma

Noes: None

Motion carries unanimously.

B. PURCHASE

P-278 Purchase 2019 Metro-Star Chassis Fire Pumper

Tommy Davis gave the following report: For the FY 2018/19 Budget, City Council transferred \$250,000 to the Capital Asset Replacement Fund for the programmed purchase of a new pumper fire truck. The Fire Department's 1997 pumper fire

truck is nearing the end of its scheduled 25-year life cycle. The National Fire Protection Association (NFPA, 1911 Annex D) recommends replacing fire trucks after 25 years of service.

The North Central Texas Council of Governments (NCTCOG) awarded the City the 2018 Clean Fleets grant to replace the aging pumper fire truck with a new pumper that complies with improved EPA standards. The grant will pay for 25% of the cost of the new pumper fire truck, reimbursable to the City after delivery.

The lead time from purchase to delivery of a new fire truck is approximately 12-18 months. Staff anticipates delivery of the new fire pumper truck in FY 2019-20. The remaining cost will be included in the recommended FY 2019/20 Budget Capital Asset Replacement Fund.

As with other major purchases, Staff utilized Sourcewell Cooperative Purchasing Program. Cooperative purchasing programs leverage the purchasing power of governmental units throughout Texas, providing sales volume in exchange for competitive pricing. The request for quote from Sourcewell was for a 2019 Spartan Metro-Star Chassis pumper fire truck.

The purchase price of the pumper fire truck from Sourcewell is \$676,255 and includes the Sourcewell administrative fee of \$2,000. Once the City takes delivery of the pumper fire truck, Staff will request the 25% reimbursement from NCTCOG, making the final purchase price \$507,191.

Motion by Mr. Wilson, seconded by Ms. Mackey to approve the purchase of a 2019 Spartan Metro-Star chassis pumper fire truck through the Sourcewell Cooperative Purchasing Program at a low bid cost of \$676,255. The purchase will be from the Capital Asset Replacement Fund and is payable upon delivery in FY 2019-20.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Phillips, Mr. Sauma

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

VII. COUNCIL MEMBER AND STAFF COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 7:57 p.m. followed by worksession to discuss Westpark Wall.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



MEMO TO: Mayor and Members of City Council

FROM: Joanna King, City Secretary

SUBJECT: Rescheduling July 4, 2019 Regular City Council Meeting

DATE: April 4, 2019

The Benbrook Home Rule Charter requires City Council to meet in regularly scheduled meetings at least twice each month and such meetings shall be at least one week apart.

The first meeting in July falls on July 4, 2019. This date is a National and City Holiday. It is anticipated that several members of staff will not be available on Wednesday July 3, 2019. Therefore, staff is requesting City Council reschedule the first meeting in July for Tuesday, July 2, 2019.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 04/04/19	REFERENCE NUMBER: PZ-2019-01 ZTA-19-01	SUBJECT: Adopt Ordinance amending Title 17 – Zoning of the Benbrook Municipal Code, as amended, by amending Additional Design Requirements of: Chapter 17.28 – “SD” Suburban District, Section 17.28.032; Chapter 17.32 – “RE” Residential Estate District, Section 17.32.032; Chapter 17.36 – “A” One-Family District, Section 17.36.032; Chapter 17.40 – “B” One-Family District, Section 17.40.032; and Chapter 17.44 – “BR” One-Family Reduced District, Section 17.44.032 to allow the minimum roof pitch for a principal residential addition to match the predominant roof pitch of the existing principal residential building; and amending Additional Design Requirements of: Chapter 17.48 – “CR” Multiple-Family Restricted District, Section 17.48.032 to allow for a minimum roof pitch of 4:12 for standing seam metal roofs to meet the same material standards as the one-family zoning districts and to allow the minimum roof pitch for a principal residential addition to match the predominant roof pitch of the existing principal residential building.	PAGE: 1 of 3
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Summary

Consideration of an ordinance amending several sections of the Benbrook Municipal Code, as specifically noted above, allowing homeowners, seeking to construct a residential addition with a proposed roof pitch of less than 7:12, the ability to match the predominant roof pitch of the existing principal residential building.

Background

In January of 2011, City Council approved Ordinance No. 1314 requiring a 7:12 minimum roof pitch for all principal residential buildings, including additions, unless a Meritorious Exception granting a lesser roof pitch was approved by the Planning and Zoning Commission. Subsequently, City Council adopted Ordinance No. 1350 (July 2013) and Ordinance No. 1412 (August 2017) reducing the 7:12 minimum roof pitch standard to 4:12 for tile roofs and standing seam metal roofs, respectively.

Since 2011, the Planning and Zoning Commission has considered 13 Meritorious Exceptions from homeowners seeking relief from the 7:12 minimum roof pitch standard. The Planning and Zoning Commission has granted all 13 requests for relief. Based on their consistent approval action, staff suggests that proposed home additions to existing residential single-family homes should not be subject to the minimum 7:12 roof pitch standard but rather be allowed to match the existing predominate roof pitch of the home. The proposed amendment grants said relief

SUBMITTED BY: CITY MANAGER	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY DATE:
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DATE: 04/04/19	REFERENCE NUMBER: PZ-2019-01 ZTA-19-01	SUBJECT: Adopt Ordinance amending Title 17 – Zoning of the Benbrook Municipal Code, as amended, by amending Additional Design Requirements of: Chapter 17.28 – “SD” Suburban District, Section 17.28.032; Chapter 17.32 – “RE” Residential Estate District, Section 17.32.032; Chapter 17.36 – “A” One-Family District, Section 17.36.032; Chapter 17.40 – “B” One-Family District, Section 17.40.032; and Chapter 17.44 – “BR” One-Family Reduced District, Section 17.44.032 to allow the minimum roof pitch for a principal residential addition to match the predominant roof pitch of the existing principal residential building; and amending Additional Design Requirements of: Chapter 17.48 – “CR” Multiple-Family Restricted District, Section 17.48.032 to allow for a minimum roof pitch of 4:12 for standing seam metal roofs to meet the same material standards as the one-family zoning districts and to allow the minimum roof pitch for a principal residential addition to match the predominant roof pitch of the existing principal residential building.	PAGE: 2 of 3
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and will thus reduce wait times for building permit approval and issuance by eliminating the now required Meritorious Exception step.

RECOMMENDATION

The Planning and Zoning Commission recommends that the City Council adopt an ordinance amending Title 17 – Zoning of the Benbrook Municipal Code revising residential minimum roof pitch standards.

Attachments

- Draft ordinance

**APPROVED MINUTES
OF THE
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, FEBRUARY 14, 2019**

III. REPORTS OF CITY STAFF

A. ZONING

- 2) ZTA-19-01 – Ordinance amending Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, by amending Section 17.28.032 – Additional design requirements of Chapter 17.28 – “SD” Suburban District; Section 17.32.032 – Additional design requirements of Chapter 17.32 – “RE” Residential Estate District; Section 17.36.032 – Additional design requirements of Chapter 17.36 – “A” One-Family District; Section 17.40.032 – Additional design requirements of Chapter 17.40 – “B” One-Family District;

<p>DATE: 04/04/19</p>	<p>REFERENCE NUMBER: PZ-2019-01 ZTA-19-01</p>	<p>SUBJECT: Adopt Ordinance amending Title 17 – Zoning of the Benbrook Municipal Code, as amended, by amending Additional Design Requirements of: Chapter 17.28 – “SD” Suburban District, Section 17.28.032; Chapter 17.32 – “RE” Residential Estate District, Section 17.32.032; Chapter 17.36 – “A” One-Family District, Section 17.36.032; Chapter 17.40 – “B” One-Family District, Section 17.40.032; and Chapter 17.44 – “BR” One-Family Reduced District, Section 17.44.032 to allow the minimum roof pitch for a principal residential addition to match the predominant roof pitch of the existing principal residential building; and amending Additional Design Requirements of: Chapter 17.48 – “CR” Multiple-Family Restricted District, Section 17.48.032 to allow for a minimum roof pitch of 4:12 for standing seam metal roofs to meet the same material standards as the one-family zoning districts and to allow the minimum roof pitch for a principal residential addition to match the predominant roof pitch of the existing principal residential building.</p>	<p>PAGE: 3 of 3</p>
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and Section 17.44.032 – Additional design requirements of Chapter 17.44 – “BR” One-Family Reduced District to allow the minimum roof pitch of the existing residential building; and by amending Section 17.48.032 – Additional design requirements of Chapter 17.48 – “CR” Multiple-Family Restricted District to allow for a minimum roof pitch of 4:12 for standing seam metal roofs to meet the same material standards for the one-family zoning districts and to allow the minimum rood pitch for a residential addition to match the predominant roof pitch of the existing residential building. [PUBLIC HEARING]

Doug Howard, City Planner, presented the staff report to the Commission and answered questions.

The Chair opened the public hearing at 7:42 p.m. There were no public comments. The Chair closed the public hearing at 7:42 p.m.

Motion by Commissioner Ramsey to recommend the City Council approve an ordinance amending regulations for residential minimum roof pitch standards, as presented by staff. Seconded by Commissioner Seifert. The Chair called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Valverde, Mr. Russell, Mr. Craver, Ms. Seifert, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 7 – 0 – 0

ORDINANCE NO. 1440

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING SECTION 17.28.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.28 – “SD” SUBURBAN DISTRICT; SECTION 17.32.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.32 – “RE” RESIDENTIAL ESTATE DISTRICT; SECTION 17.36.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.36 – “A” ONE-FAMILY DISTRICT; SECTION 17.40.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.40 – “B” ONE-FAMILY DISTRICT; AND SECTION 17.44.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.44 – “BR” ONE-FAMILY REDUCED DISTRICT TO ALLOW THE MINIMUM ROOF PITCH FOR A PRINCIPAL RESIDENTIAL BUILDING ADDITION TO MATCH THE PREDOMINANT ROOF PITCH OF THE EXISTING PRINCIPAL RESIDENTIAL BUILDING; AND BY AMENDING SECTION 17.48.032 – ADDITIONAL DESIGN REQUIREMENTS OF CHAPTER 17.48 – “CR” MULTIPLE-FAMILY RESTRICTED DISTRICT TO ALLOW FOR A MINIMUM ROOF PITCH OF 4:12 FOR STANDING SEAM METAL ROOFS TO MEET THE SAME MATERIAL STANDARDS FOR THE ONE-FAMILY DISTRICTS AND TO ALLOW THE MINIMUM ROOF PITCH FOR A PRINCIPAL RESIDENTIAL BUILDING ADDITION TO MATCH THE PREDOMINANT ROOF PITCH OF THE EXISTING PRINCIPAL RESIDENTIAL BUILDING; 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.

WHEREAS, the City of Benbrook (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety, and general welfare of the community and protecting and preserving places and areas of historical, cultural, and architectural importance and significance; and

WHEREAS, the City has previously adopted zoning regulations as Title 17 of the Benbrook Municipal Code (1985), as amended through Ordinance 1433; and

WHEREAS, the City Council now deems the provisions of the present zoning regulations inadequate, by reason of changing conditions since its passage, to accomplish the foregoing objectives, and that said Title 17 shall be amended and superseded by the provisions of this ordinance; and

WHEREAS, the City Council has given published notice and held public hearings, with respect to this amendment of the Zoning Ordinance, as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:

SECTION 1

That Chapter 17.28 – “SD” Suburban District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.28.032.A.2 in its entirety to provide the following:

2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
- a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 2

That Chapter 17.32 – “RE” Residential Estate District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.32.032.A.2 in its entirety to provide the following:

2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
- a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 3

That Chapter 17.36 – “A” One-Family District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.36.032.A.2 in its entirety to provide the following:

2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
- a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 4

That Chapter 17.40 – “B” One-Family District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.40.032.A.2 in its entirety to provide the following:

2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
- a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;

- c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
- d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 5

That Chapter 17.44 – “BR” One-Family Reduced District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.44.032.A.2 in its entirety to provide the following:

- 2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
 - a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 6

That Chapter 17.48 – “CR” Multiple-Family Restricted District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by replacing 17.48.032.A.2 in its entirety to provide the following:

- 2. Roof Pitch. The roof shall have a minimum predominant pitch of 7:12, except in the following cases:
 - a. A tile roof shall have a minimum predominant pitch of 4:12;
 - b. A standing seam metal roof shall have a minimum predominant pitch of 4:12. The standing seam metal roofing material shall have a low-reflectance finish and be no less than 24-gauge in thickness, with a maximum solar reflectivity of 0.65;
 - c. The minimum roof pitch for a residential addition shall match the predominant pitch of the roof of the existing residential building; or
 - d. An alternate design for roof pitch may be approved by the Planning and Zoning Commission in accordance with Section 17.84.100.D, concerning meritorious exceptions.

SECTION 7 CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 8 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same

would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**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 10
SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 11
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 12
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 13
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 14
EFFECTIVE DATE**

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

PASSED AND APPROVED this 4th day of April 2019.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 04/04/19	REFERENCE NUMBER: C-323	SUBJECT: Award Contract to Reytech Services, LLC for the Chapin and Van Deman Drainage Projects	PAGE: 1 of 1
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The Chapin Drainage Project will replace the existing corrugated metal arch pipe culvert with a 140-ft. long reinforced concrete box culvert and plunge pool. The sides will include concrete riprap and reinforced turf mat to control erosion. To avoid disruption of school traffic, the project is scheduled to be completed over the summer months (60 days). The road will remain open for most of the construction period but full road closure with detours will be required intermittently.

The Van Deman Drainage Project includes construction of a 135-ft. of storm drain, a concrete flume, water line relocation and ditch grading. The road will remain open to two-way traffic during the project, but intermittent lane closures will occur.

Bids Received

Bids were received and opened on March 13, 2019, with the following results:

	Bidder	Bid
1	Reytech Services, LLC	\$412,404.47
2	Jackson Construction, LTD	\$531,870.00
3	Fort Worth Civil Constructors, LLC	\$580,695.00

Reytech Services, LLC submitted the low bid of \$412,404.47. The company has successfully completed a number of past projects for Benbrook. A current review of their references continues to be favorable.

Financing

The Stormwater Utility Fund will fund this project.

RECOMMENDATION

Staff recommends that City Council award Reytech Services, LLC the contract for the Chapin and Van Deman Drainage Projects for \$412,404.47 to be funded from the Stormwater Utility Fund.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE: