

**AGENDA**  
**BENBROOK CITY COUNCIL**  
**THURSDAY, JUNE 6, 2019**  
**911 WINSOTT ROAD, BENBROOK, TEXAS**  
**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

Invocation To Be Given By Reverend Don Petty Of Benbrook United Methodist Church

PLEDGE OF ALLEGIANCE

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held May 16, 2019

Documents:

[CC MINUTES-05-16-19.PDF](#)

IV. REPORTS FROM CITY MANAGER

A. GENERAL

G-2410 Accept Finance Report For Period Ending April 30, 2019

Documents:

[G-2410 FINANCE REPORT APR 2019.PDF](#)  
[G-2410 REVENUE CHART APR 2019.PDF](#)  
[G-2410 EXPENDITURE CHART APR 2019.PDF](#)  
[G-2410 SALES TAX COMPARISON APR 2019.PDF](#)

G-2411 Adopt Ordinance Amending The 2018-2019 Annual Budget For The Benbrook Animal Shelter

Documents:

[G-2411 ANIMAL SHELTER BUDGET ADJUSTMENT.PDF](#)  
[G-2411 ORDINANCE AMEND BUDGET ANIMAL SHELTER.PDF](#)

G-2412 Adopt Ordinance Amending Title 15 Of The Benbrook Municipal Code By Adopting The 2018 Edition Of The (IEBC) International Existing Building Code, By Amending Portions Of The 2018 Edition Of The (ISPC) International Swimming And Pool And Spa Code, By Repealing Chapter 15.32 Swimming Pools And Chapter 15.34 Public Swimming Pools, Spas, And Interactive Water Features And By Adopting Regional And Local Amendments To Said Codes

Documents:

G-2412 BUILDING CODE AMENDMENT.PDF  
G-2412 ORDINANCE BUILDING CODE.PDF  
G-2412 EXHIBIT H.PDF  
G-2412 EXHIBIT I.PDF

V. INFORMAL CITIZEN COMMENTS

VI. COUNCIL MEMBER AND STAFF COMMENTS

VII. ADJOURNMENT

**WORKSESSION**

1. Discuss amendment to Building Code requiring baby changing stations in men's restrooms (Councilmember Laura Mackey)
2. Discuss Personal Property Tax on Leased Vehicles (Mayor Jerry Dittrich)
3. Discuss status of U.S. 377 south of Winscott Road
4. Discuss traffic control plan at Overcrest Drive at Benbrook Boulevard intersection and Mercedes Street at Benbrook Boulevard intersection



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, MAY 16, 2019**

The regular meeting of the Benbrook City Council was held on Thursday May 16, 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  
Dustin Phillips  
Jim Wilson  
Laura Mackey  
Ron Sauma

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Jim Hinderaker, Assistant City Manager  
Rick Overgaard, Finance Director  
Amanda Valdez, Management Analyst

Others Present:

Bill Smith  
Lonnie Huett  
Melisa Shore  
Nikolcei Clayton, Boy Scout Troop 326  
Lynette Spence  
and 4 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 Councilmember Marshall.  
The Pledge of Allegiance was recited.

### III. MINUTES

#### 1. Minutes of the regular meeting held May 2, 2019

Motion by Dr. Marshall seconded by Mr. Sauma to approve the minutes of the regular meeting held May 2, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

### IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

#### PZ-2019-03 Z-19-02 CP-19-01

**Adopt an ordinance rezoning Lots 8 and 9, Block 7, Benbrook Estates Addition, totaling 0.54 acres, from "HC-PD" Highway Corridor Planned Development District to "CR" Multiple-Family Restricted District and to amend the Benbrook Comprehensive Plan's land use designation, for said lots, from Commercial to Medium Density Residential. The properties are generally located northeast of the intersection of Benbrook Boulevard (Hwy. 377) and Mercedes Street (112 and 116 Del Rio Avenue).**

Jim Hinderaker gave the following report: The applicant proposes to rezone Lots 8 and 9, Block 7, Benbrook Estates Addition, from "HC-PD" Highway Corridor Planned Development District to "CR" Multiple-Family Restricted District and further amend the Benbrook Land Use Plan for said lots from Commercial, which allows commercial zoning and development, to Medium Density Residential, which allows residential development with densities ranging between 6.25 and 12.5 dwelling units per acre.

In October of 2007, Lots 7 - 11, Block 7, Benbrook Estates Addition, were rezoned from "B" One-Family District to "HC-PD" Highway Corridor Planned Development District for a proposed site-specific commercial development. But the planned development never materialized.

The applicant intends to purchase Lot 9, raze the existing home, and construct a two-family dwelling, similar to several other homes recently constructed throughout the neighborhood. Lot 8 currently has a two-family dwelling that, due to the commercial zoning, is considered "non-conforming," greatly limiting the owner's

ability to utilize the property. Lot 7 was originally part of this rezone request; however, during the application review period, the owner received an offer for the purchase of the property and subsequently requested Lot 7 be excluded from consideration.

The Benbrook Land Use Plan designates Lots 7-11, Block 7, Benbrook Estates Addition as appropriate for commercial development. The applicant requests the Benbrook Land Use Plan be amended to designate Lots 8 and 9, Block 7, Benbrook Estates Addition as Medium Density Residential development, which would allow the property to be rezoned to "CR" Multiple-Family Restricted District.

In order to rezone the property from "HC-PD" to "CR", the request must be consistent with the Benbrook Land Use Plan. The Medium Density Residential designation is consistent with other properties on the same residential street and neighborhood.

Because the planned commercial development never occurred, the properties have been in a state of non-conformance to the zoning ordinance since 2007.

Stand-alone commercial properties fronting along Del Rio Ave. are not compatible with the residential uses in the area. The recent adjacent commercial development along Benbrook Blvd. has diminished the likelihood of the subject properties redeveloping, without access to Del Rio Ave. The existing PD ordinance prohibits access to Del Rio and the City's Comprehensive Plan discourages commercial access to a residential road; making any rezoning request for commercial uses unlikely. Without commercial access to Del Rio, a zone change to a compatible residential district is recommended.

Mayor Dittrich opened the public hearing at 7:40 p.m.

Lonnie Huett and Melissa Shore both spoke in favor of the rezoning request.

Mayor Dittrich closed the public hearing at 7:44 p.m.

Motion by Mr. Wilson, seconded by Ms. Franklin to adopt Ordinance No. 1442 amending the Benbrook Land Use Plan designation for Lots 8 and 9, Block 7, Benbrook Estates Addition from Commercial to Medium Density Residential and to rezone said lots from "HC-PD" Highway Corridor Planned Development District to "CR" Multiple-Family Restricted District.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1442 being **“AN ORDINANCE AMENDING THE LAND USE PLAN OF THE BENBROOK COMPREHENSIVE PLAN CHANGING THE LAND USE DESIGNATION OF 0.56 ACRES LEGALLY DESCRIBED AS LOTS 8 AND 9, BLOCK 7, BENBROOK ESTATES ADDITION, TARRANT COUNTY, BENBROOK, TEXAS, FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 0.56 ACRES LEGALLY DESCRIBED AS LOTS 8 AND 9, BLOCK 7, BENBROOK ESTATES ADDITION, TARRANT COUNTY, BENBROOK, TEXAS, FROM “HC-PD” HIGHWAY CORRIDOR PLANNED DEVELOPMENT DISTRICT TO “CR” MULTIPLE-FAMILY RESTRICTED DISTRICT, AND BY AMENDING THE OFFICIAL ZONING AND LAND USE MAPS 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 7 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 it is so ordained

## V. REPORTS FROM CITY MANAGER

### A. GENERAL

#### **G-2408 Accept Investment Report for quarter ending March 31, 2019**

Rick Overgaard gave the following report: The Public Funds Investment Act (PFIA), Texas Government Code and the City's Investment Policy require that an Investment Report be presented to City Council.

The Investment Committee met on May 8, 2019, to review the report and ensure compliance with the City's investment policy

The total portfolio for the City and EDC at March 31, 2019 is \$29,399,590, with 80% or \$23,538,428 belonging to the City, and 20% or \$5,861,162 to the EDC.

- 28% of the combined portfolio is in bank accounts, with 54% in local government investment pools, and 18% in certificates of deposit.
- The weighted average maturity on the combined portfolio is 74 days with a 1.64% average yield to maturity.

Motion by Dr. Marshall, seconded by Mr. Sauma to accept the Investment Report for the quarter ending March 31, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

#### **G-2409 Conveyance of a 6.04-acre tract of land, situated in the T.&N.O.R.R. CO. Survey, Abstract No. 1645, erroneously dedicated to the City as parkland as part of the Whitestone Heights Preliminary Plat**

Jim Hinderaker gave the following report: On April 12, 2001, the Benbrook Planning and Zoning Commission approved the 167-lot Whitestone Heights preliminary plat, which included a 6.04-acre parkland dedication. On May 14, 2003, a conveyance deed from Whitestone Ranch, LTD., to the City of Benbrook of the 6.04-acre tract was recorded with the Deed of Records, Tarrant County, Texas. Unfortunately, the parkland dedication conveyance did not conform to adopted City regulations.

Section 16.04.045.B.2 of the Benbrook Municipal Code, codified by Ordinance No.

1026 on July 2, 1998, stipulates in part, "if fewer than two hundred units (lots) are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amount unless the dedication will increase the size of an existing park." There are no other parks in this area.

The execution of the attached deeds will convey the 6.04-acre tract from the City of Benbrook to Whitestone Ranch, LTD, the entity that had conveyed the tract to the City in 2003, and then from Whitestone Ranch, LTD to Steve Hawkins, the developer of Whitestone Heights.

Mr. Hawkins will be required to pay the cash in lieu of land dedication for all platted lots in the Whitestone Heights Addition.

Motion by Ms. Mackey, seconded by Ms. Franklin to approve the quitclaim deeds transferring the 6.04-acre tract of land, situated in the T.&N.O. R.R. CO Survey, Abstract No. 1645, back to the developer of Whitestone Heights.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

## **B. CONTRACT**

### **C-324      Approve Contract with Tarrant County Tax Assessor-Collector for the collection of Ad Valorem Taxes**

Rick Overgaard gave the following report: The City of Benbrook has contracted with the Tarrant County Tax Assessor-Collector (Assessor-Collector) to bill and collect property taxes since October 1, 1998. Services performed include: receiving the Certified Appraisal Roll from the Tarrant Appraisal District and monthly changes to the roll; providing mortgage companies, property owners, and tax representatives with tax roll and payment data; providing all necessary assessments of taxes and Truth in Taxation calculations as required; the transmittal of tax statements via the U. S. Mail or electronic transfer of data; and payment processing.

The Assessor-Collector contract has a three-year term instead of a one-year term. The Assessor-Collector's annual compensation, for services performed over the next three years, remains at the current collection rate of ninety-eight cents (\$0.98) per account located within Tarrant County. The term and related fee include fiscal years 2019-20, 2020-21 and 2021-22. State law requires that the Tax Assessor-



Collector charge the actual costs for tax collections. Tarrant County's fee is still the lowest collection fee of any urban county in Texas.

The number of accounts is based on the October billing roll certified to the Assessor-Collector, net of subsequent account additions and deletions made by the Tarrant Appraisal District. The 2018-19 cost for services totaled \$41,180 based on 42,020 accounts within Tarrant County. The estimated cost for 2019-20 is \$42,400; for 2020-21 is \$43,600, and for 2021-22 is \$45,000.

Motion by Mr. Phillips, seconded by Mr. Sauma to authorize the City Manager to contract with the Tarrant County Tax Assessor-Collector for the collection of ad valorem taxes for the term October 1, 2019 through September 30, 2022.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

#### **VI. INFORMAL CITIZEN COMMENTS**

Melissa Shore thanked City Council for the adoption of the rezoning change of her property on Del Rio Ave.

#### **VII. COUNCIL MEMBER AND STAFF COMMENTS**

Councilmember Ron Sauma recognized National Police Week and thanked Police Officers for their service.

Councilmember Renee Franklin reminded citizens of upcoming events.

Councilmember Jim Wilson recognized National Bicycle and Awareness Month.

Councilmember Laura Mackey recognized the Benbrook Bobcats for being in the Regional Finals.

**VIII. ADJOURNMENT**

Meeting adjourned at 8:03 p.m.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 6/6/19	REFERENCE NUMBER: G-2410	SUBJECT: Accept finance report for period ending April 30, 2019	PAGE: 1 of 2
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### GENERAL FUND

General Fund revenues for the month of April were \$702,644. Property tax collections were \$66,210, and franchise taxes were \$109,772. Sales tax collected and recognized as revenue in April was \$261,099. Fiscal year to date sales tax totals \$1,625,452, an increase of 20.23% over last year at this time. A separate summary of sales tax revenue collections is provided for informational purposes. General Fund revenues collected through the end of April were \$15,758,465 or 77.9 percent of the budget.

General Fund expenditures for the month of April were \$1,376,133. As a reminder, transfers to other funds (\$1,670,000) have already occurred. Last year, the transfers occurred in August. Expenditures through April were \$11,334,393 or 54.0 percent of the adopted budget.

Fiscal year-to-date, total General Fund revenues of \$15,758,465 exceeded General Fund expenditures of \$11,334,393 by \$4,424,072.

### DEBT SERVICE

Debt Service revenues for the month of April totaled \$3,542 and are all from property tax. There were no expenditures for April. The next debt service payments will occur in July 2019.

### EDC

EDC revenues as of April 30, 2019, were \$1,520,126. EDC expenditures through the end of April were \$2,072,020, which includes the purchase of land in April. Total expenditures exceeded total revenues by \$551,894.

### CAPITAL PROJECTS

Total revenues received through April 30, 2019 were \$1,192,224 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$2,874,771 through the end of April. April expenditures were for the following projects: Chapin Road Cross Culvert, Van Deman Road Drainage, Vista Way, Clearfork Emergency Access Bridge, and Animal Shelter. Total expenditures exceeded total revenues by \$1,682,547. 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.

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

DATE: 6/6/19	REFERENCE NUMBER: G-2410	SUBJECT: Accept finance report for period ending April 30, 2019	PAGE: 2 of 2
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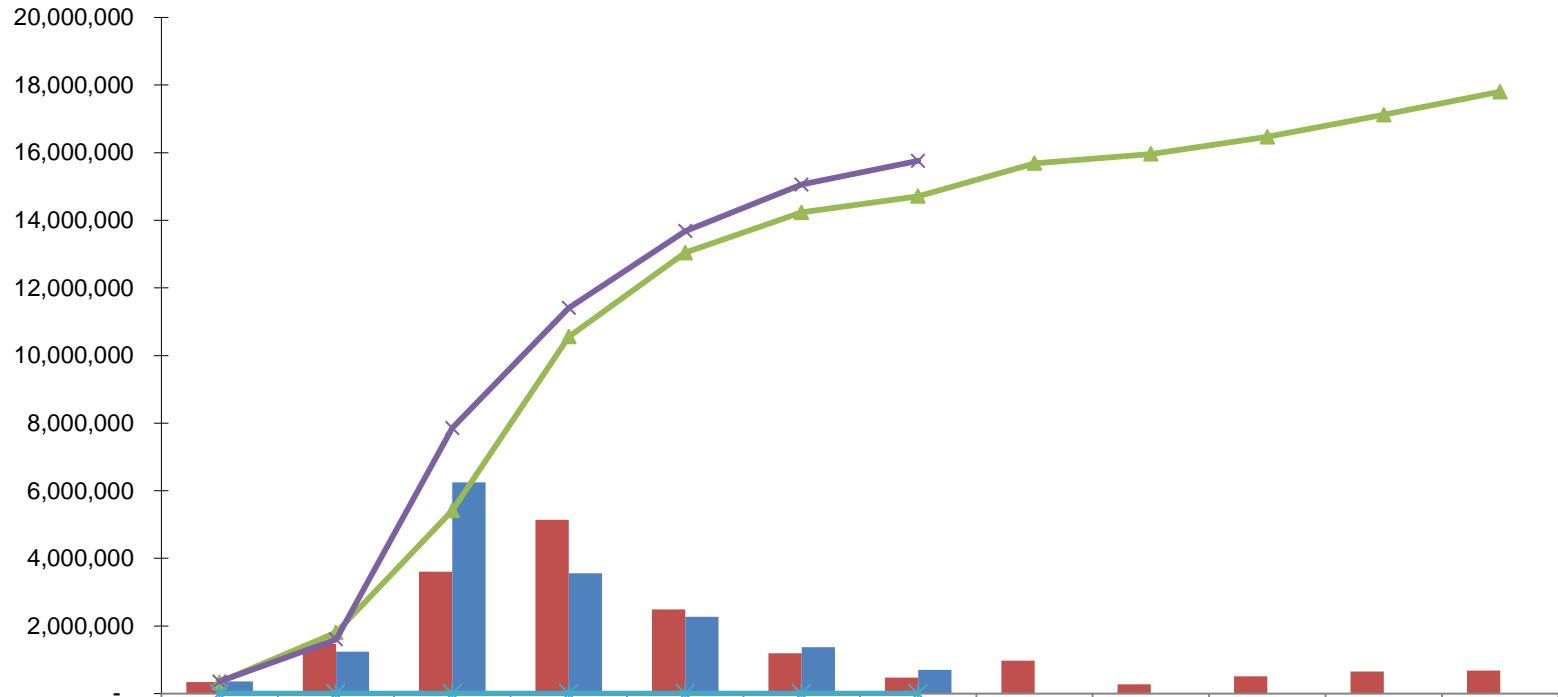
**CASH & INVESTMENTS**

On April 30, 2019, the City had \$22,340,865 invested at varying interest rates; the EDC had \$4,222,336 available.

**RECOMMENDATION**

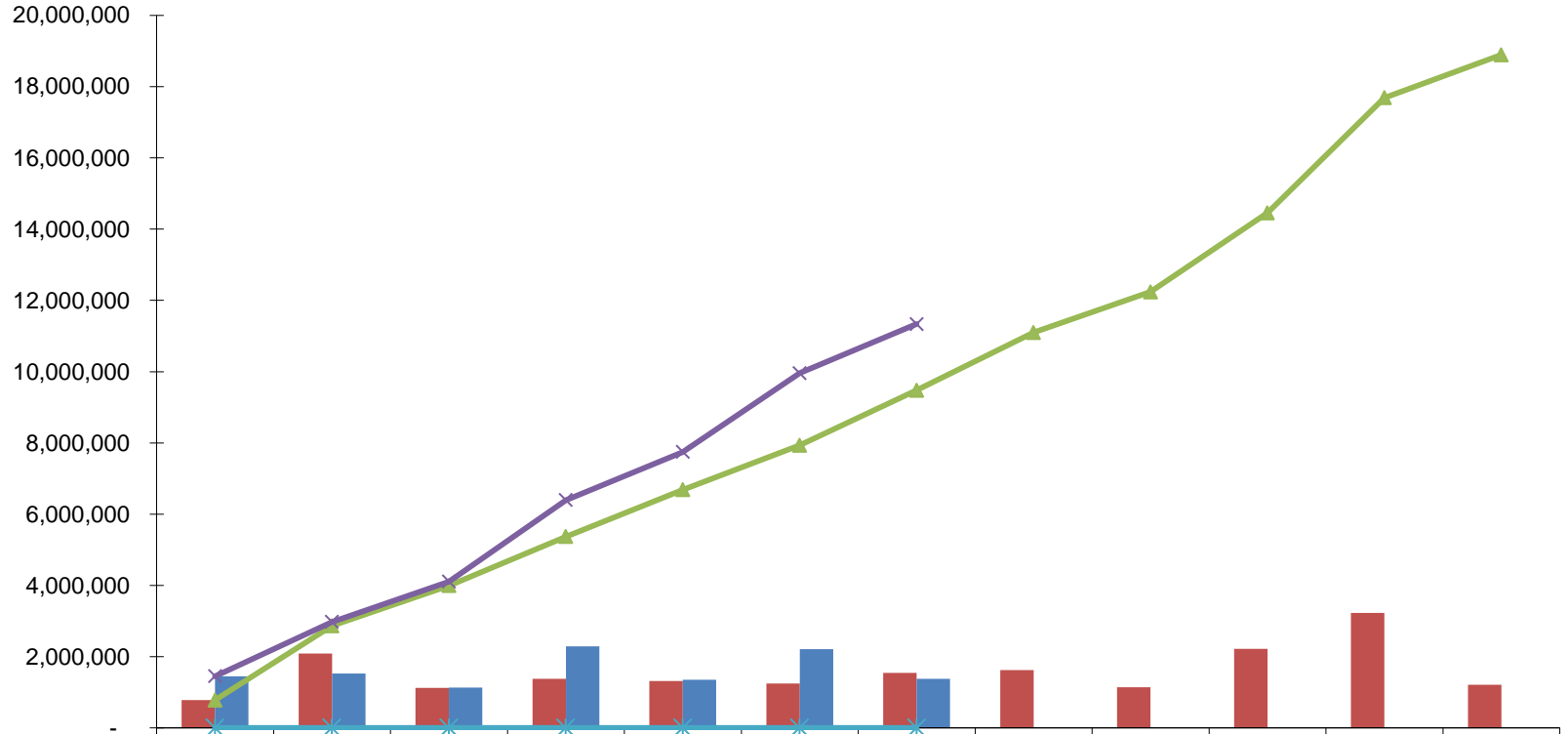
Staff recommends that City Council accept the finance report for the period ending April 30, 2019.

### General Fund Revenue Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
2017-18	337,614	1,469,706	3,608,527	5,139,266	2,485,752	1,194,686	476,803	974,077	273,484	510,504	650,367	683,007
2018-19	358,790	1,242,504	6,252,635	3,557,063	2,271,202	1,373,626	702,644					
YTD 2017-18	337,614	1,807,320	5,415,847	10,555,113	13,040,866	14,235,552	14,712,355	15,686,432	15,959,916	16,470,419	17,120,787	17,803,794
YTD 2018-19	358,790	1,601,295	7,853,930	11,410,993	13,682,195	15,055,821	15,758,465					
% Increase 17-18 to 18-19	6.27%	-11.40%	45.02%	8.11%	4.92%	5.76%	7.11%					

### General Fund Expenditure Trend Comparison

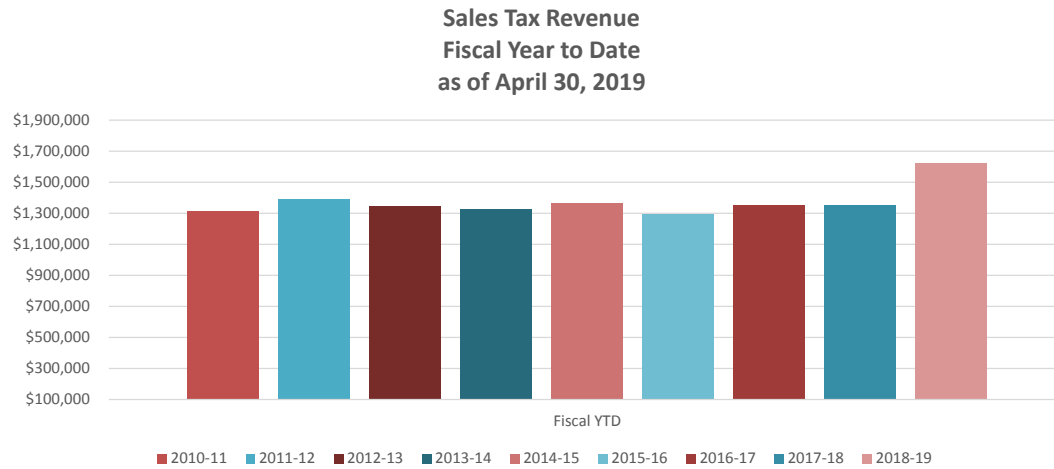


	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT
2017-18	777,908	2,089,129	1,125,744	1,374,833	1,317,660	1,248,670	1,542,116	1,622,915	1,139,091	2,217,153	3,229,232	1,208,595
2018-19	1,448,926	1,527,703	1,128,837	2,287,202	1,351,028	2,214,565	1,376,133					
YTD 17-18	777,908	2,867,036	3,992,780	5,367,613	6,685,273	7,933,943	9,476,059	11,098,974	12,238,065	14,455,218	17,684,450	18,893,046
YTD 18-19	1,448,926	2,976,628	4,105,465	6,392,667	7,743,695	9,958,261	11,334,393					
% Change 2017-18 to 2018-19	86.26%	3.82%	2.82%	19.10%	15.83%	25.51%	19.61%					

**City of Benbrook  
Sales Tax Analysis  
April 30, 2019**

Fiscal Year	Fiscal YTD	October	November	December	January	February	March	April	May	June	July	August	September	Annual Total
2010-11	\$ 1,313,054	\$ 212,494	\$ 161,967	\$ 160,492	\$ 199,141	\$ 190,084	\$ 143,760	\$ 245,116	\$ 223,000	\$ 181,216	\$ 229,160	\$ 196,711	\$ 175,140	\$ 2,318,281
2011-12	1,394,739	218,564	161,430	186,638	251,517	168,551	171,053	236,986	178,165	188,604	218,557	178,708	161,070	2,319,841
2012-13	1,349,617	215,752	184,452	181,368	222,555	170,084	174,164	201,241	164,765	202,525	211,491	178,411	170,324	2,277,131
2013-14	1,328,695	215,869	177,403	161,342	234,503	154,780	155,432	229,367	176,980	175,792	217,955	199,305	187,172	2,285,899
2014-15	1,365,323	215,101	207,526	173,580	236,852	149,782	162,730	219,751	181,230	163,667	213,300	189,185	164,742	2,277,446
2015-16	1,297,526	216,144	177,560	175,150	202,909	149,580	153,523	222,661	158,987	177,732	210,000	154,708	182,656	2,181,609
2016-17	1,354,327	204,261	175,885	172,554	240,121	171,805	163,151	226,550	184,775	200,138	206,455	175,522	176,026	2,297,243
2017-18	1,351,956	218,480	168,272	178,150	230,346	169,346	147,291	240,071	197,667	204,243	245,717	244,494	160,148	2,404,224
2018-19	1,625,452	259,437	224,991	216,094	264,926	205,387	193,520	261,099						1,625,452

Change 2010-11 to 2011-12	6.22%
Change 2011-12 to 2012-13	-3.24%
Change 2012-13 to 2013-14	-1.55%
Change 2013-14 to 2014-15	2.76%
Change 2014-15 to 2015-16	-5.23%
Change 2015-16 to 2016-17	4.38%
Change 2016-17 to 2017-18	-0.18%
Change 2017-18 to 2018-19	20.23%



Budget 2018-19	\$ 2,450,000
Projected 2018-19	2,450,000
Variance from Budget	\$ -



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 06/06/19	REFERENCE NUMBER: G-2411	SUBJECT: Adopt Ordinance amending the 2018-2019 Annual Budget for the Benbrook Animal Shelter	PAGE: 1 of 2
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In December 2015, the concept plan for the new Benbrook Animal Shelter was initiated. In February 2017, the City Council awarded the architectural design contract for \$192,000 to Quorum Architects, Inc., and in September 2017, the City Council awarded the construction contract for \$1,996,500 to Hasen. The City also incurred a number of deferred budget costs for necessary utility relocations, security upgrades, fencing and furniture totaling \$76,304.

The Benbrook Animal Shelter was substantially completed and opened in December 2018. The final elements of the project, including security fencing and parking lot concrete work, were completed in April 2019.

The Benbrook City Council set aside \$550,000 from General Fund reserves during fiscal year 2015/2016, \$500,000 in fiscal year 2016/2017, and an additional \$1,000,000 in fiscal year 2017/18 for a total of \$2,050,000 to fund the construction of the Benbrook Animal Shelter. As stated previously during formal project approval, the remaining costs will be paid from General Fund reserves once the final costs are determined.

Design	\$ 192,000
Construction	\$1,996,500
<u>Deferred Budget Costs</u>	<u>\$ 76,304 (rounded up to nearest whole \$)</u>
 Total	 \$2,264,804
 <u>Set Aside</u>	 <u>\$2,050,000</u>
 Remainder	 \$ 214,804

With the animal shelter fully complete, the project requires the transfer of funds from General Fund reserves to the Capital Projects Fund No. 4, and to make the appropriate budget adjustments.

<u>Project/Fund</u>	<u>Transfer Out</u>	<u>Transfer In</u>
Benbrook Animal Shelter Construction Cost		
• General Fund Reserves	\$214,804	
• Capital Projects Fund No. 4		\$214,804

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



DATE: 06/06/19	REFERENCE NUMBER: G-2411	SUBJECT: Adopt Ordinance amending the 2018-2019 Annual Budget for the Benbrook Animal Shelter	PAGE: 2 of 2
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The Texas Attorney General has ruled that a budget must be amended in the same manner in which it is adopted (Attorney General Opinion GA-0431). Since the City budget is adopted by Ordinance, it may only be amended by Ordinance. The attached Ordinance is intended to keep the City in compliance with the AG Opinion and with generally accepted accounting principles.

**RECOMMENDATON**

Staff recommends that the City Council adopt the Ordinance amending the Annual Budget.

**ORDINANCE NO. 1443**

**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND RESERVES TO THE CAPITAL PROJECTS FUND No. 4 AND AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 FOR THE PURPOSES OF CONSTRUCTING THE BENBROOK ANIMAL SHELTER PROJECT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the Benbrook City Council set aside \$550,000 from general fund reserves during fiscal year 2015/2016, \$500,000 in fiscal year 2016/2017, and an additional \$1,000,000 in fiscal year 2017/18 for the construction of the Benbrook Animal Shelter; and

**WHEREAS**, on June 6, 2019, the City Council authorized the final construction cost of the Benbrook Animal Shelter that requires a fund transfer and budget adjustment to the various funds of the City; and

**WHEREAS**, the Texas Attorney General has ruled that such adjustments be made by ordinance (AG Opinion No GA-0431); and

**WHEREAS**, the City Council now desires to authorize the fund transfer and amend the Annual Budget to fund the project.

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

**SECTION 1**

That the following fund transfer be authorized as part of the 2018-2019 Annual Budget:

<u>Project/Fund</u>	<u>Transfer Out</u>	<u>Transfer In</u>
Benbrook Animal Shelter Construction Cost		
• General Fund Reserves	\$214,804	
• Capital Projects Fund No. 4		\$214,804

**SECTION 2  
SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook, Texas, are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code or any other ordinances affecting the issuance of permits and the payment of fees 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 3  
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, unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4  
EFFECTIVE DATE**

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

**PASSED AND APPROVED** this 6<sup>th</sup> day of June, 2019.

\_\_\_\_\_  
Jerry Dittrich, Mayor

ATTEST:

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

<b>DATE:</b> 06/06/19	<b>REFERENCE NUMBER:</b> G-2412	<b>SUBJECT:</b> Adopt Ordinance amending Title 15 of the Benbrook Municipal Code by adopting the 2018 Edition of the (IEBC) International Existing Building Code, by amending portions of the 2018 Edition of the (ISPC) International Swimming and Pool and Spa Code, by repealing Chapter 15.32 Swimming Pools and Chapter 15.34 Public Swimming Pools, Spas, and Interactive Water Features and by adopting regional and local amendments to said codes.	<b>PAGE:</b> 1 of 1
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The City of Benbrook currently operates under the 2017 National Electrical Code and under the 2018 International Code Council series, with local and regional amendments, as follows:

- 2018 International Building Code
- 2018 International Residential Code
- 2018 International Energy Conservation Code
- 2018 International Plumbing Code
- 2018 International Fuel Gas Code
- 2018 International Fire Code
- 2018 International Mechanical Code
- 2018 International Swimming Pool and Spa Code

Staff recommends City Council also adopt the 2018 (IEBC) International Existing Building Code, together with regional and local amendments. The 2018 IEBC provides greater flexibility for property owners seeking to remodel, upgrade or repurpose an existing building.

Staff further recommends City Council repeal Chapter 15.32 Swimming Pools and Chapter 15.34 Public Swimming Pools, Spas, and Interactive Water Features, Title 15 Buildings and Construction, Benbrook Municipal Code. Following City Council adoption of the 2018 International Swimming Pool and Spa Code in December 2018, these sections of the Municipal Code are redundant and no longer necessary.

### **RECOMMENDATION**

Staff recommends that the City Council approve the attached ordinance adopting the 2018 International Existing Building Code, together with local and regional amendments, and repeal Chapter 15.32 - Swimming Pools and Chapter 15.34 - Public Swimming Pools, Spas, and Interactive Water Features of Title 15 Buildings and Construction of the Benbrook Municipal Code.

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

**ORDINANCE NO. 1444**

**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 15 OF THE CITY OF BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING SECTION 15.26.20 OF CHAPTER 15.26-SWIMMING POOL AND SPA CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE; AND FURTHER PROVIDING FOR THE MODIFICATION OF SAID CODES TO INCORPORATE REGIONAL AND LOCAL AMENDMENTS; SAID CODES TO BE ADOPTED AND INCORPORATED INTO THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REFERENCE ONLY; PROVIDING THAT AN OFFICIAL COPY OF SAID CODES SHALL BE MAINTAINED AS A PUBLIC RECORD IN THE OFFICE OF THE BENBROOK BUILDING OFFICIAL; AND REPEALING CHAPTER 15.32-SWIMMING POOLS AND CHAPTER 15.34- PUBLIC SWIMMING POOLS, SPAS, AND INTERACTIVE WATER FEATURES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook 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**, the City Council has previously amended Chapter 15 of the Benbrook Municipal Code (1985), as amended, adopting the 2018 International Building Code, 2018 International Residential Code, 2018 International Energy Conservation Code, 2018 International Plumbing Code, 2018 International Fuel Gas Code, 2018 International Fire Code, 2018 International Mechanical Code; and 2018 International Swimming Pool and Spa Code; and

**WHEREAS**, the City Council now desires to add the 2018 Edition of the International Existing Building Code to the adopted International Code series to provide greater flexibility for property owners seeking to remodel, upgrade or repurpose an existing building; and

**WHEREAS**; the City Council has reviewed the available codes and has determined that the 2018 Edition of the International Existing Building Code most fully meets the needs of the City of Benbrook, Texas; and

**WHEREAS;** the North Central Texas Council of Governments and City Staff have recommended adoption of certain amendments to the 2018 Edition of the International Existing Building Code to reflect regionally accepted practice; and

**WHEREAS;** the City Council of the City of Benbrook, Texas, desires to provide a mechanism by which local modifications reflecting the unique needs of the City of Benbrook may be made when deemed appropriate; and

**WHEREAS;** the City Council of the City of Benbrook, Texas, has determined that these regional and local amendments are in the public interest and therefore deems it advisable to amend the 2018 Edition of the International Swimming Pool and Spa Code and the 2018 Edition of the International Existing Building Code to incorporate these regional and local amendments; and

**WHEREAS;** the City Council of the City of Benbrook, Texas, following the adoption of the 2018 Edition of the International Swimming Pool and Spa Code via Ordinance No. 1437, desires to repeal Chapter 15.32-Swimming Pools and Chapter 15.34- Public Swimming Pools, Spas, and Interactive Water Features, as these code sections are redundant and no longer necessary.

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

#### **SECTION 1**

That Exhibit H of Section 15.26.20.B, Chapter 15.26 – Swimming Pool and Spa Code, Title 15 Buildings and Construction Code of the Benbrook Municipal Code, as attached and adopted via Ordinance No. 1437, is hereby fully repealed and replaced by the herein attached Exhibit H.

#### **SECTION 2**

That Chapter 15.27 – Existing Building Code, Title 15 – Buildings and Construction of the Benbrook Municipal Code (1985, as amended) is hereby established to read as follows:

15.27.010 - Adopted.

The International Existing Building Code, 2018 Edition, published by the International Code Council, is adopted as the official existing building code of the city. This code is fully incorporated into this chapter by reference as though copied in its entirety.

15.27.020 - Amendment.

- A. The city council may from time to time determine that additional local modifications to the International Existing Building Code are necessary and

appropriate to meet the unique construction needs of the city. To effectuate these local modifications, the city council shall enact individual ordinances amending this chapter and fully setting forth the change to be made in the International Code. These amendments shall be consolidated as Exhibit I to the ordinance codified in this chapter.

- B. The International Existing Building Code, 2018 Edition, is amended as shown in Exhibit I attached to the ordinance codified in this chapter and incorporated by reference as though copied into this chapter in its entirety.

15.27.030 - Materials on file for inspection.

The material contained in Exhibit I to the ordinance codified in this chapter, although fully adopted and incorporated in this chapter by reference, shall not be included in this codification. The material contained in Exhibit I shall instead be maintained as a public record in the office of the building official. These exhibits will be available for public inspection and copying during regular business hours. The purpose of maintaining these records separate and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the code.

15.27.040 - Fees.

Building permit fees shall be in accordance with Section 1.12.080.

### **SECTION 3**

The material contained in Exhibits "H" through "I" to this ordinance, although fully adopted and incorporated by reference, shall not be included in the formal municipal codification of ordinances. The material contained in Exhibits "H" through "I" shall instead be maintained as a public record in the office of the Building Official. These exhibits will be available for public inspection and copying during regular business hours. The purpose of maintaining these records separate and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the code.

### **SECTION 4**

That Chapter 15.32- Swimming Pools and Chapter 15.34- Public Swimming Pools, Spas, and Interactive Water Features of Title 15 Buildings and Construction of the Benbrook Municipal Code (1985, as amended) are hereby repealed.

### **SECTION 5 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 6  
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, unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7  
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) 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 8  
SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook, Texas, are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code or any other ordinances affecting the issuance of permits and the payment of fees 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 9  
ENGROSSMENT AND ENROLLMENT**

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

**SECTION 10  
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 11**  
**PUBLICATION IN OFFICIAL NEWSPAPER**

That the City Secretary 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, Texas, as authorized by Section 52.013 of the Local Government Code.

**SECTION 12**  
**EFFECTIVE DATE**

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

**PASSED AND APPROVED** this 6<sup>th</sup> day of June 2019.

\_\_\_\_\_  
Jerry Dittrich, Mayor

ATTEST:

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

## Exhibit H

### Recommended Regional Amendments to the 2018 International Swimming Pool and Spa Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2018 International Swimming Pool and Spa Code* are hereby amended as follows:

**\*\*Section 102.9; Change to read as follows:**

**Section 102.9 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to:

1. Texas Department of State Health Services (TDSHS); Standards for Public Pools and Spas; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two family dwellings or townhouses).
2. Texas Department of Licensing and Regulation (TDLR); 2012 Texas Accessibility Standards (TAS), TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with 2012 TAS, Section 242. (TAS rules do not apply to pools serving one- and two family dwellings or townhouses).

**Exception:** Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

**\*\*Section 103.1; Change to read as follows:**

**Section 103.1 Creation of enforcement agency.** The City of Benbrook Building Permits and Inspections Department is hereby created and the official in charge therefor shall be known as the Chief Building Official. The Tarrant County Health Department shall be known as the Code Official for operation and maintenance of any public swimming pool in accordance with this code, local and state law.

**\*\*Section 107.4; Delete entirely (covered by general provisions in Code of Ordinances):**

**\*\*107.5; Change to read as follows:**

**107.5 Stop work orders.** Upon notice from the code official, work on any system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to

stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code. ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

**\*\*Section 202; DEFINITIONS; insert definition; change to read as follows:**

The Tarrant County Health regulates the operation of public pools. Routine inspections on pools and spas open to the public are conducted to document compliance with the standards set forth in State law.

**\*\*\*Section 305; Change to read as follows:**

**305.1 General.**

The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. In one-and two-family dwellings and townhouses, where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

**\*\*Section 305.2; Change to read as follows:**

**305.2 Outdoor swimming pools and spas.** Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7 and in accordance with the Texas Administrative Code, Texas Health and Safety Code 757 for public pools.

*(Reason: To clarify specific Texas statutes which regulate public pools and spas.)*

**\*\* Add subsection 305.2.7.1; to read as follows:**

**305.2.7.1 Chain link fencing prohibited.** Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.

**\*\*Section 305.4 structure wall as a barrier; Changes as follows:**

**305.4 Removed**

**\*\*Section 305.6; Change to read as follows:**

**305.6 Natural barriers used in a one and two family dwelling or townhouse.** In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.

**\*\*Section 307.1.4 Accessibility; Add exception to Section to 307.1.4 as follows:**

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

**\*\*Section 310; Change to read as follows:**

**310.1 General.** Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190. *[Remainder unchanged]*

**\*\*Section 313.7; Change to read as follows:**

**313.7 Emergency shutoff switch for spas and hot tubs.** ~~An emergency shutoff switch shall be provided to disconnect all power to recirculation and jet system pumps and air blowers. Emergency shutoff switches shall be provided with access; located within sight of pools and spas and located not less than 5 feet (5') horizontally from the inside walls of the pool or spa. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft.) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to one and two family dwellings and townhouses.~~

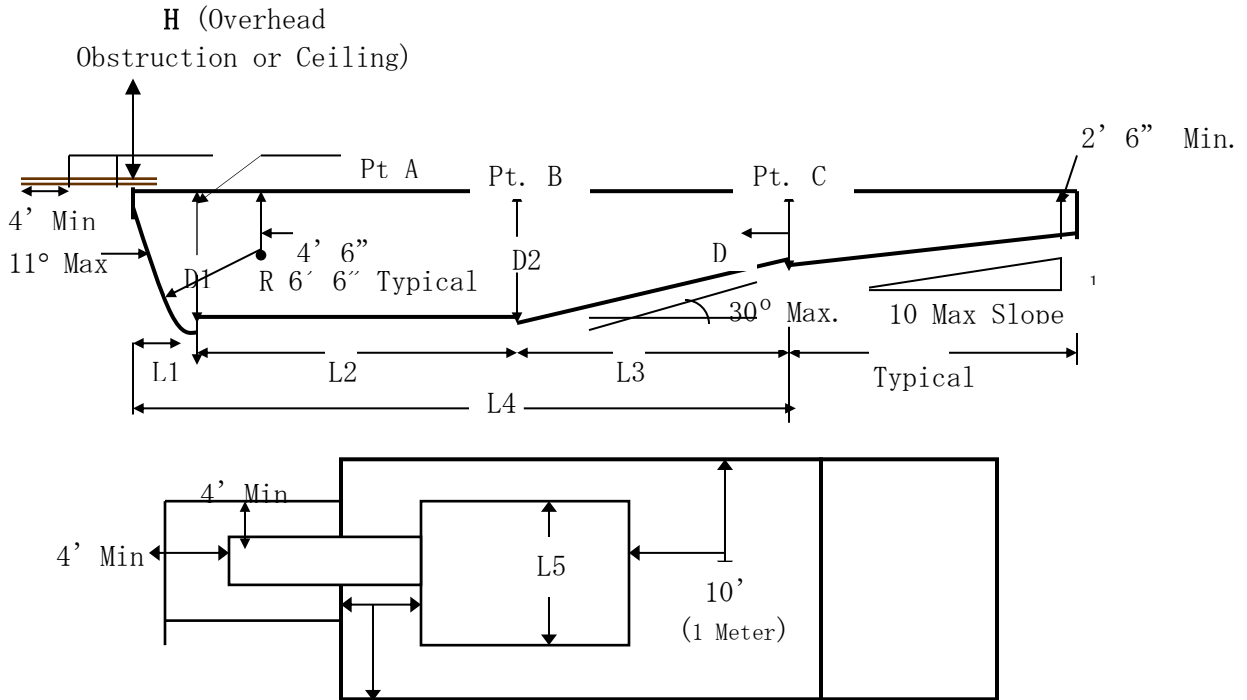
**Exception:** ~~Onground-storable and permanent inground residential swimming pools.~~

**\*\* Section 402.12; Change to read as follows:**

**402.12 Water envelopes.** ~~The minimum diving water envelopes shall be in accordance with Table 402.12 Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6). (Delete Table 402.12 and Figure 402.12)~~

ADD: Figure: 25 TAC §265.186 (e) (6)

Maximum Diving Board Height Over Water	¾ Meter	1 Meter	3 Meters
Max. Diving Board Length	12 ft.	16 ft.	16 ft.
Minimum Diving Board Overhang	2 ft. 6 in.	5 ft.	5 ft.
D1 Minimum	8 ft. 6 in.	11 ft. 2 in.	12 ft. 2 in.
D2 Minimum	9 ft.	10 ft. 10 in.	11 ft. 10 in.
D3 Minimum	4 ft.	6 ft.	6 ft.
L1 Minimum	4 ft.	5 ft.	5 ft.
L2 Minimum	12 ft.	16 ft. 5 in.	19 ft. 9 in.
L3 Minimum	14 ft. 10 in.	13 ft. 2 in.	13 ft. 11 in.
L4 Minimum	30 ft. 10 in.	34 ft. 7 in.	38 ft. 8 in.
L5 Minimum	8 ft.	10 ft.	13 ft.
H Minimum	16 ft.	16 ft.	16 ft.
From Plummet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plummet to Adjacent Plummet	10 ft.	10 ft.	10 ft.



**\*\*Section 402.13; Change to read as follows:**

**402.13 Ladders for diving equipment.** Ladders shall be provided with two grab rails or two handrails. There shall be a uniform distance between ladder treads, with a 7 inch (178 mm minimum) distance and 12 inch (305 mm) maximum distance. Supports, platforms, steps, and ladders for diving equipment shall be designed to carry the anticipated loads. Steps and ladders shall be of corrosion-resistant material, easily cleanable and with slip-resistant tread;

~~**Exception:** The distance between treads for the top and bottom riser can vary.~~

**\*\*Section 411.2.1 & 411.2.2; Change to read as follows:**

**411.2.1 Tread dimensions and area.** Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches, ~~not be less than 24 inches (607mm)~~ at the leading edge. Treads shall have an unobstructed surface area of not less than 240 square inches (154838mm<sup>2</sup>) and an unobstructed horizontal depth of ~~not less than 10 inches (254 mm)~~ at the center line.

**411.2.2 Risers.** Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero ~~except for the bottom riser, shall have a uniform height of not greater than 12 inches (305 mm)~~ measured at the center line. The bottom riser height is allowed to vary to the floor.

**\*\*Section 411.5.1 & 411.5.2; Change to read as follows:**

**411.5.1 Swimouts.** Swimouts, located in either the deep or shallow area of a pool, shall comply with all

of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface

**411.5.2 Underwater seats and benches.** Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. Unchanged
5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.
6. Unchanged
7. Unchanged

**\*\*Section 603.2; Change to read as follows:**

**603.2 Class D-2 pools.** Where a Class D-2 pool has a bather-accessible depth greater than 4 1/2 feet (1372 mm), the floor shall have a distinctive marking at the 4 1/2 feet (1372 mm) water depth.

**Class A and B pools:** Class A and B pools over 5 feet deep: the transition point of the pool from the shallow area to the deep area of the pool shall be visually set apart with a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and a rope and float line shall be provided between 1 foot and 2 feet on the shallow side of the 5-foot depth along and parallel to this depth from one side of the pool to the other side. The floats shall be spaced at not greater than 7-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users. If the owner or operator of the pool knows or should have known in the exercise of ordinary care that a rope or float is missing, broken, or defective, the problem shall be promptly remedied

**\*\*Section 610.5.1; Change to read:**

**610.5.1 Uniform height of 9-10 inches.** Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 9-10 inches (229-254 mm). The bottom riser height shall be permitted to vary from the other risers.

**\*\*\*Section 804 Diving Water Envelopes; Change to read as follows:**

**Section 804.1 General.** The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1, or the manufacturer's specifications, whichever is greater. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.

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**END**

## Exhibit I

### Recommended Amendments to the 2018 International Existing Building Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2018 International Existing Building Code* are hereby amended as follows:

**\*\*Section 102.4; change to read as follows:**

**[A] 102.4 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

**\*\*Section 202; amend definition of Existing Building as follows:**

**Existing Building** - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

**\*\*Section 202; amend definition of Existing Structure as follows:**

**Existing Structure**- A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

**\*\*Section 305.1; adds an exception to read as follows:**

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

**\*\*Section 305.4.2; add Number 7 to the list of requirements as follows:**

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.

**\*\*\*Section 401.3 Flood Hazard Areas; delete this section:**

**\*\*\*Section 405.2.5 Flood Hazard Areas; delete this section:**

**\*\*Section 406.1; add a code reference to read as follows:**

**406.1 Material.** Existing electrical wiring and equipment undergoing *repair* shall be allowed to be repaired or replaced with like material, in accordance with the requirements of NFPA 70.

**\*\*\*Section 502.3 Flood Hazard Areas; delete this section:**



**\*\*Section 504.1.2; change to read as follows:**

**504.1.2 Existing fire escapes.** Existing fire escapes shall continue to be accepted as a component in the means of egress in existing buildings only. Existing fire escapes shall be permitted to be repaired or replaced.

**\*\*Section 504.1.3; delete entire section:**

**504.1.3 New fire escapes.** ~~New fire escapes for existing buildings shall be permitted only where exterior stairways cannot be utilized due to lot lines limiting stairway size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.~~

**\*\*\*Section 507.3 Flood Hazard Areas; delete this section:**

**\*\*\*Section 701.3 Flood Hazard Areas; delete this section:**

**\*\*Section 702.6; add a code reference to read as follows:**

**702.6 Materials and methods.** All new work shall comply with the materials and methods requirements in the *International Building Code*, *International Energy Conservation Code*, *International Mechanical Code*, National Electrical Code, and *International Plumbing Code*, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

**\*\*\*Section 802.5.1; change to read as follows:**

**802.5.1 Minimum requirement.** Every portion of ~~a floor, such as a balcony or a loading dock, open-sided walking surfaces, including *mezzanines, equipment platforms, aisles, stairs, ramps* and landings~~ that is more than 30 inches (762 mm) above the floor or grade below and is not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.

**\*\*Section 803.1; add sentence to read as follows:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the *work area* shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject *work area*, and if the *work area* includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

**\*\*Section 803.2.4; change exception to read as follows:**

**Exception:** Supervision is not required where the Fire Code does not require such for new construction for the following:

- ~~1. Underground gate valve with roadway boxes.~~
- ~~2. Halogenated extinguishing systems.~~
- ~~3. Carbon dioxide extinguishing systems.~~
- ~~4. Dry- and wet-chemical extinguishing systems.~~
- ~~5. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.~~

**\*\*Section 803.3; change section to read as follows:**

**803.3 Standpipes.** Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.  
{Delete rest of Section 804.3.}

**\*\*Section 805.2; remove Exception #1**

**Exception 1.** Where the work area and the means of egress serving it complies with NFPA101.

**\*\*Section 805.3.1.2; change to read as follows:**

**805.3.1.2 Fire Escapes required.** For other than Group I-2, where more than one exit is required an existing or newly constructed fire escape complying with section 805.3.1.2.1 shall be accepted as providing one of the required means of egress.

**\*\*Section 805.3.1.2.1; change to read as follows:**

**805.3.1.2.1 Fire Escape access and details - ...**

1. [Remain unchanged]
2. Access to a new fire escape shall be through a door...
3. **Item Deleted**
4. [Remain unchanged]
5. In all buildings of Group E occupancy up to and including the 12<sup>th</sup> grade, buildings of Group I occupancy, rooming boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

**\*\*\*Section 805.5.2 Transoms; add language to read as follows:**

**805.5.2 Transoms.** In all buildings of Group B, E, [Remainder unchanged]

**\*\*Section 904.1; add sentence to read as follows:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

**\*\*Section 904.1.1; change sentence to read as follows:**

**904.1.1 High-rise buildings.** An automatic sprinkler system shall be provided in work areas of where the high-rise buildings. ~~has a sufficient municipal water supply for the design and installation of an automatic sprinkler system at the site.~~

**\*\*\*Section 1103.3 Flood Hazard Areas; delete this section:**

**\*\*\*Section 1201.4 Flood Hazard Areas; delete this section:**

**\*\*\*Section 1301.3.2; change to read as follows:**

**1301.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the International Fire Code. ~~and International Property Maintenance Code.~~

**\*\*\*Section 1301.3.3 Compliance with Flood Hazard Provisions; delete this section:**

**\*\*\*Section 1402.6 Flood Hazard Areas; delete this section:**

**END**