

AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JULY 18, 2019
911 WINSOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:15 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 Pastor Gary Oliver With Tabernacle Of Praise

PLEDGE OF ALLEGIANCE

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held July 3, 2019

Documents:

[CC MINUTES-07-02-19.PDF](#)

IV. PRESENTATION BY MAYOR AND MEMBERS OF COUNCIL

CC-2019-04 Adopt Resolution And Election Order Calling For A General Election To Be Held On November 5, 2019; Authorizing A Joint Election Agreement Between Tarrant County And The City Of Benbrook, Texas; And Providing Procedures For The Conduct Of The Election

(Adoptar la Resolución y la Orden Electoral que piden que se celebren elecciones generales el 5 de noviembre de 2019; autorizar un Acuerdo Electoral Conjunto entre el Condado de Tarrant y la ciudad de Benbrook, Texas; y proporcionar procedimientos para la realización de la elección) (Áp dụng nghị quyết và lệnh bầu cử kêu gọi một cuộc tổng tuyển cử được tổ chức vào ngày 5 tháng mười một, 2019; cho phép một thỏa thuận bầu cử chung giữa quận Tarrant và thành phố Benbrook, Texas; và cung cấp các thủ tục cho việc tiến hành cuộc bầu cử)

Documents:

[CC-2019-04 MEMO CALLING ELECTION.PDF](#)
[CC-2019-04 RESOLUTION CALLING NOVEMBER 2019 GENERAL ELECTION.PDF](#)

CC-2019-05 Adopt Resolution Requesting The Reconstruction And Widening Of U.S. 377 (Benbrook Boulevard) South Of Winscott Road To The Entrance To Whitestone Golf Club

Documents:

[CC-2019-05 RESOLUTION RECONSTRUCT US 377.PDF](#)

V. PROCLAMATIONS/AWARDS/RECOGNITION

1. Proclamation – Benbrook 4PAWS – 2,500th Adoption

VI. 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.

VII. 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.

VIII. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
TUESDAY, JULY 2, 2019**

The regular meeting of the Benbrook City Council was held on Tuesday July 2, 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
Jim Hinderaker, Assistant City Manager
Beth Fischer, Deputy City Secretary
Rick Overgaard, Finance Director
Amanda Valdez, Management Analyst

Others Present:

Bill Smith
Tammi Cauthen

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 June 20, 2019

Motion by Dr. Marshall seconded by Mr. Sauma to approve the minutes of the regular meeting held June 20, 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. REPORTS FROM CITY MANAGER

A. GENERAL

G-2416 Adopt Ordinance amending Title 15 of the Benbrook Municipal Code by adopting a local amendment requiring the installation of diaper changing stations in certain restaurants

Jim Hinderaker gave the following report: Pursuant to a recent City Council work session, the proposed Ordinance requires the installation of a minimum of one safe, sanitary, and convenient diaper changing station, available to all sexes, in each publicly available and accessible restroom within all new restaurants with a total gross square-footage of 2,500 square feet or more. The Ordinance also requires installation of the same in any restaurant undergoing a major renovation involving the reconfiguration of a publicly available and accessible restroom. The Ordinance would apply to new restaurants that have not submitted building plans or are currently in the development process.

Examples of Benbrook restaurants that exceed 2,500 square feet include:

Hoffbrau
Braum's
Raising Cane's
Wendy's

Examples of Benbrook restaurants that do not exceed 2,500 square feet include:

Arby's
Smoothie King

The Ordinance further provides that the diaper changing station shall be manufactured for commercial use and be compliant with Standard Consumer Safety Performance Specifications for Diaper Changing Tables, including anti-bacterial, anti-fungal and other nationally recognized standards approved by the Building Official.

Motion by Mr. Phillips, seconded by Ms. Mackey to adopt Ordinance No. 1446 amending Title 15 of the Benbrook Municipal Code by adopting a local amendment requiring the installation of diaper changing stations in certain restaurants.

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. 1446 being, **“AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 15 OF THE CITY OF BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 15.04 - BUILDING CODE, ADOPTING A LOCAL AMENDMENT REQUIRING THE INSTALLATION OF DIAPER CHANGING STATIONS IN CERTAIN RESTAURANTS; SAID CHANGES TO BE ADOPTED AND INCORPORATED INTO THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REFERENCE ONLY; PROVIDING THAT AN OFFICIAL COPY OF SAID AMENDMENT SHALL BE MAINTAINED AS A PUBLIC RECORD IN THE OFFICE OF THE BENBROOK BUILDING OFFICIAL; 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. “**

SECTION 5 PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000) 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
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.

G-2417 Authorize City Secretary to accept applications to fill Alternate position vacancies on the Zoning Board of Adjustment/Appeals Commission

Jim Hinderaker gave the following report: The Zoning Board of Adjustment/Appeals Commission consist of five (5) regular members and four (4) alternates. The alternate positions serve during the absence of a regular member in order to maintain a quorum.

Currently there are two alternate positions vacant. The term for Alternate C expires December 30, 2019 and Alternate D will expire December 30, 2020.

Staff recommends City Council direct the City Secretary to accept applications to fill the vacant positions with a July 23, 2019 deadline. City Council to conduct interviews on August 1, 2019 and make appointments on August 15, 2019:

Motion by Mr. Wilson, seconded by Ms. Franklin to authorize the City Secretary to:

1. Accept applications to fill the vacant alternate positions on the Zoning Board of Adjustments/Appeals Commission with an application deadline of July 23, 2019;
2. Schedule interviews with those applicants at 6:00 p.m. on August 1, 2019; and,
3. City Council make those appointments at the August 15, 2019 meeting.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

V. INFORMAL CITIZEN COMMENTS

VI. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Ron Sauma recognized Benbrook Citizen on Patrol Director Don Pilliod for being awarded the “Coordinator of the Year” for the State of Texas by the Texas Citizens on Patrol Association.

VII. ADJOURNMENT

Meeting adjourned at 7:42 p.m. followed by worksession to discuss FY 2019-2020 Budget.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



TO: Mayor Jerry Dittrich and Members of Benbrook City Council

FROM: Joanna King, City Secretary

SUBJECT: Order November 5, 2019 General Election and Approve Joint Election Agreement

DATE: July 18, 2019

The general election for Mayor, Place 1 and Members of the City Council in Places 3, 5, and 7 is scheduled for Tuesday, November 5, 2019. As in the past, the City Secretary requests that the City enter into a Joint Election Agreement with Tarrant County to conduct the election.

The advantages of joint Tarrant County for the November 5, 2019 election include:

- Tarrant County provides additional early voting polling places within the County. Benbrook voters would be able to vote early at any of these locations and not be restricted to voting only at the Benbrook location. An amendment will be made to the Order of Election to include any additional early voting sites due to joint election agreements with other political subdivisions.
- Tarrant County will provide all necessary voting equipment, obtain all polling places, obtain and trail all election officials, and obtain Justice Department submissions. In providing the equipment, the necessity of leasing the equipment from another vendor or making an outright purchase is eliminated, resulting in significant savings.

The proposed Resolution lists the Election Day polling places as designated by the Tarrant County Commissioners Court. It should be noted that Tarrant County is in the process of obtaining approval from the Texas Secretary of State to establish Vote Centers in Tarrant County. Vote Centers is a term used to refer to the Countywide Polling Place Program defined in the Texas Election Code. When a county participates in the program, voters are allowed to cast their ballots in any polling place in the county on Election Day, just like they do during early voting.

Tarrant County has applied to the Secretary of State and should receive either approval or denial by late August. If the application is approved, there is a possibility that Pct. 1021 (Benbrook Municipal Complex) and Pct. 1206 (Benbrook Fire Station) will be combined into a single precinct. The polling place location will be moved to the Benbrook Community Center (228 San Angelo). This location is currently used during the Early Voting period and also as a “voter

look-up” on Election Day. In the event the two precinct Election Day sites are combined, a Resolution will be presented listing the new Election Day polling sites located within the City of Benbrook.

The 2019 joint election agreement and contract between Tarrant County and the City will be forthcoming. The costs assessed to Benbrook will be in accordance with the total number of political subdivisions contracting with Tarrant County for the election.

Staff recommends that City Council adopt the Resolution ordering the General Election for November 5, 2019 and authorize the Mayor or his designee to execute a joint election agreement with Tarrant County.



MEMORANDUM

RESOLUTION NO. 2019-05
Joint Election Agreement
For November 5, 2019, General Election

A RESOLUTION AND ELECTION ORDER BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2019; AUTHORIZING A JOINT ELECTION AGREEMENT BETWEEN TARRANT COUNTY AND THE CITY OF BENBROOK, TEXAS; PROVIDING PROCEDURES FOR THE CONDUCT OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the General Election for City Council Members of the City of Benbrook, as set forth by the City of Benbrook Home Rule Charter, the Texas Election Code, and Resolution 2012-01 adopted January 19, 2012 is required to be held on November 5, 2019, at which time the voters will elect persons to fill the offices of Mayor, Place 1, Member of the Council, Place 3, Member of the Council, Place 5, and Member of the Council, Place 7 on the City Council of the City of Benbrook, Texas, with all places to be elected for two year terms, and;

WHEREAS, all of the City of Benbrook and its voting precincts are located within only the County of Tarrant; and

WHEREAS, by this Resolution, it is the intention of the City Council to adopt all requirements of an Election Order in accordance with state law, and authorize a contract with Tarrant County for joint election services.

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

- Section 1.** That a general election is hereby called to elect Mayor, Place 1; Member of the Council Place 3; Member of the Council Place 5; and Member of the Council Place 7 to serve until November 2021, or until their successors are duly elected and qualified. Such election shall take place on the 5th day of November 2019, between the hours of 7:00 a.m. and 7:00 p.m.
- Section 2.** Qualified persons may file as candidates for the General Election by filing an application with the City Secretary between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning July 20, 2019 (note: filing begins on a Saturday, but the office of the City Secretary is not required to be open on Saturday or Sunday; first date office shall be open is Monday, July 22, 2019) and ending not later than 5:00 p.m. on Monday, August 19, 2019.
- Section 3:** The 2019 joint election agreement and contract between Tarrant County and the City of Benbrook will be forthcoming and the costs assessed to Benbrook will be in accordance to the total number of political subdivisions contracting with Tarrant County. An executable contract will be incorporated herein for all purposes hereby approved and the City Manager or his designee is

authorized to execute the contract. In the event of a conflict between this Resolution and the contract, the contract shall control.

Section 4. The Election Day polling places for this joint election are designated pursuant to Section 271.003 of the Texas Election Code, and the Council finds that the following locations can most adequately and conveniently serve the voters in this election, and that these locations will facilitate the orderly conduct of the election:

Polling	Location
Precinct 1009	Redeemer Lutheran Church 4513 Williams Road Benbrook, TX 76116
Precinct 1021	City of Benbrook Municipal Complex 911 Winscott Road Benbrook, TX 76126
Precinct 1111	Highridge Church 10100 Rolling Hills Drive Fort Worth, TX 76126
Precinct 1206	Benbrook Fire Station 528 Mercedes Street Benbrook, TX 76126
Precinct 1208, 4480	Restoration Family Church 10201 Jerry Dunn Parkway Benbrook, TX 76126
Precinct 1337	Western Hills Church of Christ 8800 Chapin Road Fort Worth, TX 76116
Precinct 1339	Trinity Chapel 6610 Southwest Boulevard Benbrook, TX 76109
Precinct 4230	Faith Lutheran Church 4551 Southwest Boulevard Fort Worth, TX 76116
Precinct 4630	Agape Baptist Church 3900 Southwest Boulevard Fort Worth, TX 76116

Section 5: The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Tarrant County as indicated in the contract and authorized by Chapter 271 of the Texas Election Code.

Section 6: Heider Garcia, the Tarrant County Elections Administrator, (“Elections Administrator”) is hereby designated as the Early Voting Clerk for the election as indicated in the contract.

Early voting by personal appearance in Benbrook will be on the following locations, dates, and hours:

Main Early Voting Locations

Tarrant County Early Voting 600 West Weatherford Street Fort Worth, Texas 76102	Benbrook Community Center 228 San Angelo Avenue Benbrook, Texas 76126
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October 21-25, 2019	8:00 a.m. – 5:00 p.m.
October 26, 2019	7:00 a.m. – 7:00 p.m.
October 27, 2019	11:00 a.m.- 4:00 p.m.
October 28-31, 2019	7:00 a.m. – 7:00 p.m.
November 1, 2019	7:00 a.m. – 7:00 p.m.

The Order of Election will be amended at a later date to include early voting hours and sites added due to joint elections with other political subdivisions.

Section 7: The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting by mail may be delivered to Heider Garcia, County of Tarrant, Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, not earlier than January 1, 2019 and not later than close of business on October 18, 2019, if delivered in person, and October 25, 2019 if delivered by mail. Early voting ballots shall be mailed to the Elections Administrator at the same address. The City Secretary is directed to forward applications and ballots he may receive to the Elections Administrator.

Section 8: All resident qualified electors of the City shall be permitted to vote at said election and, on the day of the election, such electors shall vote at the polling place designated for the Election Precinct in which they reside.

Section 9: All expenditures necessary for the conduct of the election, the purchase of materials there for, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the contract and the Code.

Section 10: Should a runoff election be required following the canvass of the November 5, 2019 election, the Council hereby orders that a runoff election be held on December 10, 2019 with the early voting period from November 25, 2019 through December 6, 2019. The polling places on Election Day for the runoff election shall be at the same polling places as those of the original election, and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

Section 11: The Elections Administrator is hereby authorized to prepare a submission to the United States Justice Department to seek pre-clearance as required by law and as provided in the Legal Documents section of the contract.

PASSED AND APPROVED by the City Council of the City of Benbrook, Texas this 18th day of July 2019.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

RESOLUTION NO. 2019-06

A RESOLUTION REQUESTING THE RECONSTRUCTION AND WIDENING OF U. S. 377 (BENBROOK BOULEVARD), SOUTH OF WINSCOTT ROAD TO THE ENTRANCE TO WHITESTONE GOLF CLUB, 10650 U. S. 377 SOUTH, BENBROOK, TEXAS.

WHEREAS, U. S. 377 in Benbrook between Winscott Road and the entrance to Whitestone Golf Club is currently two lanes with an uncontrolled center turning lane; and

WHEREAS, significant residential growth in Benbrook and unincorporated Tarrant County and the City of Fort Worth has greatly increased traffic congestion on U. S. 377; and

WHEREAS, this congested section of U. S. 377 has traffic stacked from RM 2871 past Winscott Road during peak periods in the evenings and past Hawkins Home Boulevard during peak periods in the mornings; and

WHEREAS, parents and student drivers from Benbrook Middle High School and Westpark Elementary School utilize the congested section of U. S. 377 to travel to and from school; and

WHEREAS, the combination of traffic congestion and adjacent schools has created unsafe driving conditions. For example, there have been 15 reported accidents on U. S. 377 at Overcrest Drive in the past two years; and

WHEREAS, current and planned significant residential and commercial growth will only worsen the traffic congestion on this section of U. S. 377; and

WHEREAS, planning and implementing infrastructure improvements now for known future growth is necessary and prudent.

NOW THEREFORE, BE IT RESOLVED that the Benbrook City Council hereby requests that the Texas Department of Transportation plan and fund the reconstruction and widening of U. S. 377 in Benbrook between Winscott Road and the entrance to Whitestone Golf Club. Further, the Benbrook City Council requests that Tarrant County and the North Central Texas Council of Governments' Regional Transportation Council make this congested section of U. S. 377 a priority on its transportation plans and funding priorities.

PASSED AND ADOPTED this 18th day of July 2019.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY